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It is not to be forgotten though it be forgotten, that who ever gave any Lands or Endowments to the Service of God, gave it in a formal writing, as now adays betwixt Man and man, Sealed and Witnessed: & the tender of the Gift was "super Altare" by the Donor on his knees.

Bp. Andrewes' Notes upon the Liturgy.

De non temerandis Ecclesiis.

CHURCHES

NOT TO BE

VIOLATED.

WRITTEN BY

SIR HENRY SPELMAN, KNIGHT.



OXFORD:

JOHN HENRY PARKER.

MDCCCLXI.

674.

De non temerandis Ecclesiis,

CHVRCHES

NOT TO BE

VIOLATED.

A Tract of the Rights and Respects due
unto CHVRCHES.

Written to a Gentleman, who having an
appropriate Parsonage, employed the Church
to prophane uses, and left the Parishioners
uncertainly provided of Divine Service in a
Parish there adjoining.

Written by

Sir HENRY SPELMAN Knight.

The seventh Edition.

OXFORD,

Printed by *H. Hall*, for *Amos Curteyn*, 1676.



PREFACE.

TITHES and Oblations are the property of God, and for the use of the poor. Before Him and them Appropriators, both giver and receiver must be prepared to make their account.

The danger of Appropriation has been declared by the Western Church, as will be seen from the Councils quoted in this book; and by our own Church in the Council of Oxford. That the law of the Realm considers Tithes and Oblations as belonging to God and inalienable from His service, is also main-

tained in the Treatise, *De Ecclesiis Non Teme-
randis*.

The perfection of the ancient English law was argued by Lord Coke from its remote antiquity, and from the integrity of those who up to his time had been most learned in it^a.

But law is perfect only as it approaches the Foundation of all law, *Θέμετος θρυγατήρ Εὐνομία*^b. To understand the spirit then of good laws, there is required knowledge of this Foundation, without which the learning and acuteness even of Selden, may mislead. In this our author was learned, as well by piety as by study of Fathers, Councils, and historians of the middle ages.

This circumstance gives peculiar weight to the testimony of Sir Henry Spelman, on the bearing of the Common Law on this point especially.

The present work was published by him first at London, A. D. 1613, without the

^a Preface to Reports, part II.

^b Pind. *Ol.* ix.

Preface, which was added to the two Oxford Editions, by his son, Clement Spelman, Puisne Baron of the Exchequer in the reign of Charles II. The greater part of the instances in this Preface, seem to be taken from Sir H. Spelman's work on the History and Fate of Sacrilege; which, though written in the year 1632, remained in MS. till 1698. This latter work was left to Mr. Stephens, Prebendary of Lincoln, to perfect and publish: and he began an edition of it in the year 1663; but this edition continuing in the Press, perished in the fire of London. It is reported^c on the authority of one of the Prelates of the Church, that Mr. Stephens was forbidden to proceed in it, lest the publication of it should give offence to the nobility and gentry. The object of the Preface is to shew that the English nation has been warned against sacrilege, not only by laws divine and secular, but also by visible judgments from God.

^c Bishop Gibson's Life, prefixed to his Works. London, 1732.

The presumption that the histories here contained, mark the Divine displeasure against the sin of sacrilege, is not uncharitable towards them whose names are recorded: the actual sufferer is not to be presumed guilty according to the measure of his temporal punishment. "Think ye," said our Lord, "that these men were sinners above all the Galileans?" Punishment in this life falls sometimes on the offender, and so he is corrected; sometimes on his children, and so the honour of God is vindicated. While if at other times the worst offenders remain unpunished, even in their children, men learn that God is long-suffering—that His ways are past searching out—and that evil-doers treasure up for themselves wrath against *the day of wrath*.

But it is enough to make men pause when they consider that the like calamities have in so many instances followed the like offence. In any ordinary business they would be deterred by an observation of the like kind, however

inexplicable : much more when the fitness of the punishment is instinctively acknowledged by all mankind, Heathen as well as Christian ; which general voice of mankind is a practical proof of God speaking within us. "Such," says Hooker, "is the general detestation of rapine in this kind, that whereas nothing doth either in peace or war more uphold men's reputation than prosperous success, because in comimon construction, unless notorious improbity be joined with prosperity, it seemeth to argue favour with God; they which have once stained their hands with these odious spoils, do thereby fasten unto all their actions an eternal prejudice, in respect whereof, for that it passeth through the world as an undoubted rule and principle that sacrilege is open defiance to God, whatsoever afterward they undertake, if they prosper in it, men reckon it but Dionysius his navigation; and, if any thing befall them otherwise, it is not, as commonly, so in them ascribed to the great uncertainty of casual

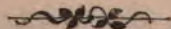
events, wherein the providence of God doth control the purposes of men oftentimes much more for their good, than if all things did answer fully their hearts' desire, but the censure of the world is ever directly against them both bitter and peremptory^a."

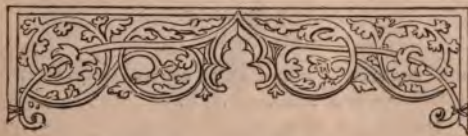
The case of the present Impropriators differs somewhat from that of the first spoliators; restitution, it may be said, is to be required of the nation, not of individuals; yet no man is compelled to accept things sacred, by purchase, marriage, or inheritance; and the holders are not released, in the opinion of Sir Henry Spelman, from discharging to their ability those duties of Service with which the lands were originally charged under a curse.

^a Hooker's Ecclesiastical Polity, V. 79. 16.

R. I. S.

Exeter College.
King Charles Martyr, 1841.



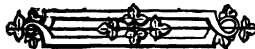


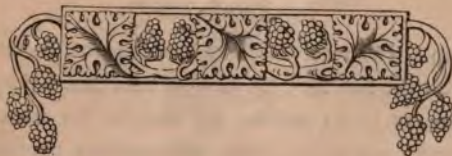
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TO THE READER.

ALL the vessels of the King's house are not gold, or silver, or for uses of honour; some be common stuff, and for mean services, yet profitable. Of the first sort, I am sure this Tract is not. Whether of the other or no, I leave that to thy judgment. To deal plainly, myself have no great opinion of it, as finding my own imperfections, and writing it only upon a private occasion to a private friend, without curious observation of matter or method. But having also written a greater work, (much of the same argument,) and intending to publish, or suppress it, as I see cause; I thought it not unfit (upon some encouragement) to send this forth (like a pinnace or post of advice) to make a discovery of the coast, before I adventure my greater

ship. If I receive good advertisement, I shall grow the bolder. Howsoever take this, I pray thee, as it is: and let my zeal to the cause, excuse me in meddling with matters beyond my strength.

H. S.





A LETTER

SHEWING THE

OCCASION OF THIS TREATISE,

TO THE WORSHIPFUL HIS MOST LOVING UNCLE,
FR. SA. &c.



Y good Uncle: The speeches that passed casually between us at our last parting, have run often since in my mind; and so, perhaps, have they done in yours. You complained (as God would have it) that you were much crossed in the building you were in hand with, upon a piece of glebe of your Appropriate Parsonage at Congham. I answered, that I thought God was not pleased with it, insomuch as it tended to the defrauding of the Church, adding, (amongst some other words,) that I held it utterly unlawful to keep Appropriate Parsonages from the Church, &c.

But our talk proceeding, I perceived, that as God had always His portion in your heart, so in this, though it concerned your profit, you seemed tractable. It much rejoiced me, and therefore apprehending the occasion, I will be bold to add a continuance to that happy motion, (so I trust, both you and I shall have cause to term it,) and besides, to give you some tribute of the love and duty I long have owed you. Therefore, (good Uncle,) as your heart hath happily conceived these blessed sparks, so in the Name and blessing of God, cherish and inflame them. No doubt they are kindled from Heaven, like the fire of the Altar, and are sent unto you from God Himself, to be a light to you in your old days, (when your bodily eyes fail you,) to guide your feet into the way of peace, that is, the way and place from whence they came. So always I pray for you, and rest,

Your loving and faithful nephew,

HENRY SPELMAN.

Westminster, August 17. 1613.



AN ACCOUNT
OF THE
WORTH OF THIS TREATISE,
TAKEN OUT OF THE EPISTLE TO SIR HENRY SPEL-
MAN'S HISTORY OF TITHES.



F any demand what success the labours of this worthy Knight found among the gentlemen of Norfolk, and other places, where he lived long in very great esteem, and publicly employed always by his Prince and Country in all the principal offices of dignity and credit, it is very observable to alledge some particular testimonies worthy to be recorded to posterity, and with all honour to their names, who were persuaded presently upon the reading of this Treatise, to restore and

render back unto God what was due unto Him.

And first, the worthy Knight practised according to his own rule: for having an Impropriation in his estate, viz. Middleton in Norfolk, he took a course to dispose of it for the augmentation of the Vicarage, and also some addition to Congham, a small Living near unto it: himself never put up any of the rent, but disposed of it by the assistance of a reverend Divine his neighbour, Mr. Thorowgood, to whom he gave power to augment the Vicar's portion, which hath been performed carefully; and having a surplusage in his hands, he waits an opportunity to purchase the Appropriation of Congham, to be added to the Minister there, where himself is Lord and Patron.

Next, Sir Ralph Hare, Knight, his ancient and worthy friend in that country, upon reading of this book, offered to restore a good Parsonage, which only he had in his estate, performing it presently, and procuring licence from the King; and also gave the perpetual Advowson

to St. John's College in Cambridge, that his heirs might not afterwards revoke his grant: wherein he was a treble benefactor to the Church: and the College hath deservedly honoured his memory with a monument of thankfulness in their library, and also wrote a respective letter of acknowledgment to this excellent Knight, to whom they knew some part of the thanks to be due, for his pious advice and direction.

Sir Roger Townsend, a religious and very learned Knight, of great estate in that country, restored three Improvements to the Church, besides many singular expressions of great respect to the Clergy, having had a great part of his education together with Sir John Spelman, (a gentleman of incomparable worth,) eldest son to Sir Henry, and by his directions both attained great perfection and abilities.

The like I have understood of others in that country, but cannot certainly relate their names, and all particulars at this present, that shire abounding with eminent gentlemen of singular deserts, piety, and learning, besides

other ornaments, as Cambden observeth of them.

In other parts divers have been moved with his reasons to make like restitution, whereof I will mention some: as Sir William Dodington, Knight, of Hampshire, a very religious gentleman, restored no less than six Impropriations out of his own estate, to the full value of six hundred pounds yearly and more.

Richard Knightly of Northamptonshire, lately deceased, restored two Impropriations, Fansley and Preston, being a gentleman much addicted to works of piety, charity, and advancement of learning, and shewing great respect to the Clergy.

The Right Honourable Baptist Lord Hicks, Viscount Cambden, besides many charitable works of great expense to Hospitals and Churches, as I find printed in a catalogue of them in the Survey of London, restored and purchased many Impropriations.

1. He restored one in Pembrokeshire, which cost 460*l*.

2. One in Northumberland, which cost 760*l*.

3. One in Durham, which cost 366*l*.

4. Another in Dorsetshire, which cost 760*l*.

He redeemed certain chantry lands, which cost 240*l*. And gave pensions to two Ministers, which cost 80*l*. Besides legacies to several Ministers.—The particulars more fully recited in the Survey, to which I refer, p. 761.

Mrs. Ellen Gulston, relict of Theodore Gulston, Dr. of Physic, a very learned man, being possessed of the Improprate Parsonage of Bardwell in Suffolk, did first procure from the King leave to annex the same to the Vicarage, and to make it presentative; and having formerly the donation of the Vicarage, she gave them both thus annexed freely to St. John's College in Oxon., expressing many godly reasons in a pious letter of her grant, to advance the glory of God to her power, &c. Thus with devout prayers for a blessing from God upon those which should be chosen Rectors there, she commendeth the deeds and convey-

ances of the Parsonages for ever to the College.

The Right Honourable Lord Scudamore, Viscount Slego, hath very piously restored much to some Vicarages in Herefordshire, whereof yet I cannot relate particulars fully.

Divers Colleges in Oxon., having been anciently possessed of Impropriations, have of late years taken a course to reserve a good portion of their tithe-corn from their tenants, thereby to increase the Vicars' maintenance : so that the best learned Divines are willing to accept the Livings, and yet the College is not diminished in rents, but loseth only some part of their fine, when the tenants come to renew their leases.

In particular, Christ-Church in Oxon. hath been very careful in this kind. Likewise New College, Magdalene College, and Queen's College, have done the like upon their Impropriations, and some others have made augmentations also.

Certain Bishops also have done the like ; as Dr. Morton, while he was Bishop of Lichfield,

did abate a good part of his fine to increase the portion of the Minister in the Vicarage of Pitchley in Northamptonshire, belonging to his Bishopric, and so did his successor, Dr. Wright, for the Vicarage of Torcester also in the same shire: which was very piously done, considering what great lands and manors were taken away from that Bishopric among others, and some Impropriations given in lieu of them.

And while Sir Henry Spelman lived, there came some unto him almost every term at London to consult with him, how they might legally restore and dispose of their Impropriations to the benefit of the Church: to whom he gave advice as he was best able, according to their particular cases and enquiries; and there wanted not others, that thanked him for his book, promising that they would never purchase any such Appropriate Parsonages to augment their estates.







PREFACE.

TO THE READER.



READER, this small Treatise was thirty years since written and published by my father, now deceased; his intent was to dissuade a profanation of Churches, and to persuade a restitution of Tithes and Impropriations to the Church: wherein, although he was not so happy as with St. Peter at once to convert thousands, yet was he not with him so unsuccessful, as to fish all night and catch nothing: for some were persuaded with what is written, nor can I say that others believed not; but rather think, that like the young man in the Gospel, they went heavy away, because they had too great possessions to restore.

Mischiefs are with more ease prevented than

cured, men sooner dissuaded from a reception, than persuaded to a restitution. While therefore the great dissolution of Bishoprics and Deaneries is only threatened not acted, I have caused a reimpression of this tract, hoping that (as at first) it will find some believers, and the rather, because written long since by one, no Levite, himself and children as his ancestors mere laymen, not having nor hoping for any Ecclesiastical preferment; and therefore I am confident he took his motives solely from the dictates of religion and conscience, himself practising what he would persuade thee. I know thy argument for retaining Impropropriations, Abbeyes, &c. is, the law hath made them lay-fees, thou didst legally buy them, and therefore mayest lawfully keep them.

I confess our statutes of dissolution have changed the course of the fee, from a politic succession to a natural descent, and unhappily put a layman into the Priest's place. But tell me if any statute or human law doth, or can, take away the dedication or the consecration of Abbeyes, Monasteries, &c., discharge or annul

the interest which God and His Church hath in them, and for which they were founded ; as that hospitality, sick and feeble men may be maintained, alms given, and other charitable deeds be done, and prayers be there said, as is declared in the statute 35 Edward I^a; or can any statute divert, and dispense with the many and heavy curses of the Church, upon the violators of Church liberties, to which the whole Kingdom hath not only cried Amen, but by act of Parliament hath enjoined the Bishops to curse the violators? If these be not removed, then remain they still dedicated, still consecrated to God ; and then seek and satisfy thyself, whether thou having the Appropriation and Tithes, but as the Abbot had them, and receiving the profit as the Abbot did, art not as the Abbot, tied in law and conscience, or one of them to perform the duties ; for that he was, appears by the opinion of all Judges, 18th Eliz.^b where it is said by the Judges, that none is capable of an Appropriation, (for so the law calls them,) but only bodies politic, not

^a 35 Edward I. cap. 1.

^b Plowden, fol. 496.

natural; and the reason is, because he that hath the Appropriation, is to be perpetual Incumbent, which a natural body, that must die, could not be. And that body politic (to have the Rectory, the Glebe, and Tithes) must be spiritual, not lay. For in that he is made Parson, (saith the book,) he hath the cure of the souls of the parishioners, and therefore must be spiritual; for by the same reason that a patron cannot present a layman to his Church, by the same reason a layman cannot be an Appropriator: for they are both Parsons of the Church: the presented Parson for life, the Appropriator for ever. And therefore Plowden saith, that the Appropriator, be he Abbot or Prior, &c. is as fully incumbent Parson, as if he had been presented, instituted, and inducted; and, as Parson, shall have his actions; and that he that is duly made Parson^c, is thereby made possessor of the Parsonage, for the spiritual office attracts the possessions of the things belonging to the office; and in that he is Parson, he receives the tithes not as granted to him,

^c Plowden, fol. 500.

but as things annexed to the office of a Parson. And Tithes are frequently in our common law termed spiritual things, because annexed to the spiritual office. By these books and resolutions of the Judges it is clear, that the Appropriator was the Incumbent Parson, and had the cure of the souls of the parishioners; and that upon the presentation of the Appropriator^d, or upon the dissolution of the Abbey, the Church became void and presentative, as other Churches upon resignation or death of the Incumbent.

For Appropriations (as thou now seest) were but Parsonages with cures of souls annexed and appropriated to a particular Abbey, or religious house. For when their fraternities became numerous, and their annual charge greater than their yearly revenue, providence to provide for their family, made them think how to increase their income: and themselves being patrons of many rich Parsonages, obtained severally (as occasion served) license from the King and consent from the Ordinary, to annex or appropriate that Parsonage to

^d Plowden, fol. 33—35.

their Abbot, and his successors for ever, whereby they became perpetual Incumbent Parsons, and anciently did duly officiate the cure by one of their fraternity, until the statute of Rich. II.^e prohibited the appropriating any Church, unless a Vicar be conveniently endowed by the discretion of the Ordinary to do Divine Service, and keep hospitality: and the statute of 4 Hen. IV.^f ordained, that no religious (as Monks and Friars were) should be made Vicars to any Church appropriated, but Seculars, (as our Ministers now be,) canonically instituted, and inducted. Upon these statutes it will concern the owners of Churches appropriated since 15 Rich. II. to see, that out of the profits of the Church a convenient sum of money be yearly paid to the poor parishioners, and a Vicar endowed, as the statute of the 15th of Rich. II.^g appoints, or else the statute 4 Henry IV.^h avoids the Appropriation, and then the Church becomes again presentative.

But some will object, that Improprate

* 15 Rich. II. cap. 6.

^f 4 Hen. IV. cap. 12.

^g 15 Rich. II. cap. 6.

^h 4 Hen. IV. cap. 12.

Churches with their Oblations and Tithes, (the fat of Impropriations,) are made lay and temporal, and, as lay and temporal things, disposable at the will of the owner; a doctrine which so nearly concerns the estates and livelihood of so many men in this kingdom, as I shall not aver the contrary, lest some Demetrius with his fellows tumult about it; yet give me leave to offer thee some opposite considerations, but leave them, and their result to thy judgment and conscience.

Consider first, that while God saith, that "ye have robbed Me of My Tithes and Offerings," God claims the title and interest of them to be in Him, not in the Priest nor in the Levite, they being but the *usu fructuarii*, God the owner.

Remember too, that our statutes¹ have declared Tithes to be due to God and holy Church, and thy withdrawing thy Tithes a neglecting thy duty to Almighty God: and then consider, that if the Tithes be God's, it matters not whether His title be by divine right, (as our

¹ 27 Hen. VIII. cap. 20; 32 Hen. VIII. cap. 7.

Law^k and Lawyers, not to press that with the resolutions of Councils and opinions of Canonists, Fathers, and Divines, quoted by the author, have taken them to be,) or by human constitution; for what statute, what law, can conclude God, or bind His right? Then weigh how the King (from whom thou claimest) had the Tithes thou hast, and to what intent he had them.

The statute of 27 Hen. VIII. gives the King the smaller Abbeys and houses of religion with their Appropriations and Tithes. To the greater, Henry the Eighth makes his title by grant and surrender of the Abbots, Priors: which, between the 27th and 31st Hen. VIII. had been laboured by Cromwell; with some he prevailed by entreaty and good annuities, with others by the King's power and sword: for the Abbots of Glassenbury^l, Reading^m, and Colchesterⁿ, whose innocency had made them regardless of threats, and their piety abhor rewards to betray

^k Dier. 28 Hen. VIII. fo. 43. Tithes are due by the law of God, *ex debito*. Co. 2 Winchest. case, fo. 45. b. Tithes are due by divine right.

^l R. Whiting.

^m Hugh Farrington.

ⁿ John Bech.

Goodw. 167.

their Churches, were therefore (saith Godwin) tendered the Oath of Supremacy^o, which they refusing, are, as enemies of the state, condemned and hanged; others terrified by their examples, leave all to the dispose of the King, who not resting on that title, procures the statute of 31 Hen. VIII. c. 13. which, reciting (how truly do thou judge) the "grants, surrenders," &c. "to have been freely, voluntarily, and without compulsion," gives all the religious houses, with their appurtenances and tithes, to the King, his heirs, and successors, (as the statute 27 of Hen. VIII. did,) "in as large a manner, as the Abbot had the same, to dis-

^o There was no Oath of Supremacy, until 1st Eliz. but those that denied Henry the Eighth to be supreme head of the Church, were indicted upon the statute 26 Hen. VIII. c. 13. since repealed, for that they *malitiose optantes, desiderantes, et volentes deprivare dominum regem de dignitate, titulo, et nomine status suæ regal:* said, that the King was not supreme head of the Church. And upon this were Fisher Bishop of Rochester, Sir Thomas More, Exmew, and divers others indicted, convicted, and executed, by virtue of a commission of Oyer and Terminer, directed to Audley Lord Chancellor, the Duke of Suffolk, and other Lords, and all the Judges, as appears by the Reports under the hand of Sir John Spelman, who was then a Judge of the King's Bench.

pose thereof at his will and pleasure, (but) to the honour and pleasure of Almighty God :” nor is there any one word either in this statute of the 31st or that of 27th Hen. VIII. to alter or change the primitive nature and use of Tithes. And therefore the statute of the 32 Hen. VIII. calls the withdrawing of thy Tithes whether Propriate or Improprate, a neglecting of thy duty to Almighty God, thereby inferring, that the Tithes are still due to God.

Consider, that thy Improprate Tithes are yet even in Law called Ecclesiastic, and solely recoverable in the Ecclesiastical Courts; and that the statute of 2 Edward VI. gives one and the same remedy both for the Presentative, and Improprate Tithe, and therefore must make both, or neither, lay and temporal.

Enquire too, whether the Improprator hath the cure of souls the Abbot had, (especially where no Vicar is endowed :) if thou dost find he hath not, know who hath; for the sheep must not be without a shepherd, nor he without the milk of the flock.

Learn by what statute, what law, the Im-

propriator, if freed of the cure, is yet tied to repair the Chancel, as the Abbot did, and as the Abbot, (where no Vicar is endowed,) tied to provide one to officiate Divine Service and Sacraments. If Improprate Tithes be temporal things, why doth the Improprator in all courts make his title in the Church's right? if lay and temporal, why wear they these Ecclesiastical badges?

I cannot for my part think, that statute which declares Tithes to be "due to God and holy Church;" which directs (among other things, even Improprate Tithes) to be disposed to "the pleasure and honour of Almighty God;" which calls the withdrawing thy Improprate Tithes "a neglecting of thy duty to Almighty God:" I cannot think, that these statutes did either alter, or intended to alter the Ecclesiastic primitive nature and use of Tithes, and the rather, because I find that the Lawyers, who likely had the penning of them, did hold Tithes due by divine right, and annexed to the spiritual office of the Parson, and consequently not alterable. And then thou that justly con-

demnest this Parson, or that Vicar, for sometimes neglecting his duty, think with thyself what account will be exacted of thee, that receivest the same salary and wages with the Parson and Vicar; yet dost totally neglect the duty, and mispendest all the Church revenue upon thy own private occasions, while the Canon^p of the Apostles would not permit the Bishop to challenge ought to himself, or to “dispose among his kindred or friends,” but “to administer them,” *tanquam Deo intuente*, “to the poor and fatherless.” And consonant to that is that in Caudry’s^q case in the 5th Report, where the Abbot might not “dispend the free alms^r of the Abbey” (much less thou Tithes)

^p Canones SS. Apostolorum Canon 33. [Beveregii. πάντων τῶν ἐκκλησιαστικῶν ὁ Ἐπίσκοπος ἐχέτω τὴν φροντίδα, καὶ διοικεῖτω αὐτὰ ὡς τοῦ θεοῦ ἐφορῶντος μὴ ἐξεῖναι δὲ αὐτῷ σφετερίζεσθαι τι ἐξ αὐτῶν, ἢ συγγένεσιν ἰδίοις τὰ τοῦ Θεοῦ χαρίζεσθαι, εἰ δὲ πένητες εἴεν ἐπιχορηγεῖται, ὡς πένησιν, ἀλλὰ μὴ προφάσει τούτων τὰ τῆς ἐκκλησίας ἀπεμωλεῖται.]

^q Coke, 5th Report, fol. 11.

^r Free alms were the rents and revenues, as appears by the statutes [13] Ed. I. [stat. i.] cap. 24; 14 Ed. III. cap. 17.

“upon his secular friend, but in hospitality upon the poor, the fatherless, the stranger,” &c. ; and if so, then the Abbots were but God's trustees, and as His almoners dispensed them to God's pensioners, the poor, the fatherless, and widow. And do thou enquire how thou hast them and oughtest to dispose them^s? For I fear that at the last and general Audit, thou wilt find them great clogs to thy accompt, and, in the *interim*, ruins to thy family ; yet I doubt not, but thou wilt find probable reasons as well as law for retaining of Impropriations and Abbeys, which thou hast bought, or thy friends left thee : yet read this ensuing Treatise, the reasons may persuade thee, if not, with me view the in-success of sacrilegious persons.

But before thou canst judge of sacrilegious

^s Sir Edward Coke, in his *Magna Charta*, [Institutes, part 2.] f. 649. in his Comment upon 2 Edw. VI. touching Tithes, quotes the text in Deut. xiv.—And the Levite shall come, and the stranger, the fatherless, and widow, within thy gates shall eat thereof. “Here is (saith he) the right use whereto Tithes should be employed ;” and surely had they been lay or temporal, then they, no more than other temporal things, are tied to Ecclesiastic uses. And he wrote long after our statutes, and best knew the power and operation of them.

persons, thou must know, what is sacrilege, for such there is, else the Apostle erred, who, whilst thou sayest, "that thou shalt not commit idolatry," upbraids thee with, 'and committest thou sacrilege?'

Sacrilege is the diversion of holy and Ecclesiastic things to profane and secular use, as Simeon and Levi, theft and sacrilege, be evil brethren: theft robs thy neighbour, sacrilege thy God. Tithes are so undoubtedly God's inheritance, as, though some have curiously disputed His title to them, as how due; yet none but the Impropiator denies His right to them, as not due: but Tithes and Impropiations are the subject of the ensuing Discourse, therefore I will offer thee my conceit, how Abbeys and Monasteries are consecrated to God, and ought not to be profaned by secular use.

It is noted that in all ages, in all religions, the temples of their gods were accounted holy, and not to be profaned by secular service; and this being so universally observed in several ages, in differing Empires, contrary religions,

it must needs be by the command of the universal Monarch, God.

Reason taught a heathen to conclude, *Quod ab omnibus Gentibus observatum est, id non nisi a Deo sancitum est*: did God by the law of nations teach heathens to keep the temples of their false gods as sacred; and doth He not by the same law command thee, a Christian, to preserve His own holy and unviolated?

The devil, that (to his greater condemnation) best knows God, and is therefore His best counterfeit, gets himself among the heathen Temples, Priests, Oblations, and to these the attributes of holy and sacred: he knew them to belong to God and His Church, and therefore to be like the Most High, usurps them to him and his.

The devil knew that the "Temple of God" which sanctifies the gold that is upon it, must needs be "holy" itself, and "sanctify the ground" on which it stands, and therefore the devil taught his disciples that doctrine, *Licet ædes sacra Claudii Cæsaris collapsa sit, religio*

tamen occupat solum[†]. Profit could not tempt Trajan to permit public baths to be made where once Cæsar's temple stood, the holy ground must not be profaned by secular employment. Yet thou a Christian dost not spare the very "Temple of God Himself." Shall it not (in this point) be easier at the last day for Trajan, than for thee? for if he, a heathen, thus esteemed a false god, that must come to be judged, how would he have revered the "true and ever-living God," had he (as thou) known Him? But this only argues, and doth not prove a sanctity in Temples.

But God' Himself hath told us in Leviticus, that "lands and houses may be sanctified to the Lord^u," but they are redeemable at the value estimated by the Priest, and a fifth part more. But God there tells us that things "devoted are most holy to the Lord^x," and not redeemable; the reason given by Divines is, Because it was given with a curse: and if that be the reason, do thou then peruse the Charters of

[†] Plin. Epist. l. x. f. 615. [Epist. 76.]

^u Levit. xxvii.

^x Ver. 28.

foundations of Monasteries and Abbeys, and tell me if they be not "devoted and most holy to the Lord." And then, if not redeemable, much less I think to be taken from the Church, without any satisfaction, or consent of the Priests.

The Charters were usually in these words, *Concessi Deo et Ecclesiæ, &c., offero Deo et confirmavi Deo et Ecclesiæ*; and these grants have in our common law been adjudged good and valid; our much revered Magna Charta, so oft confirmed by Parliament, beginneth with, *Concessimus Deo quod Ecclesia Anglicana libera sit*⁷, &c. Sir Edward Coke, in his comment upon it, saith, "What is granted for God, is in law deemed to be granted to God; what is granted for His honour, what for maintenance of His service of His religion, is granted to and for God, and that anciently these grants were good in law."

The Capitular of Charles the Great, saith⁸,

⁷ Coke, [Institutes, part ii.] Magna Charta, fol. 2. *quod datum Ecclesiæ datum Deo.*

⁸ [Capitulare anni 803. Baluz. Capitul. tom. i. p. 405. Bouquet, vol. v. p. 669.]

that the dedications were on this sort, the founder mentioning in a writing all he intended to give, and holding it over the Altar, spake thus to the Priest: "I here give unto God all things contained in this writing, for the remission of my sins, &c. and for them, for whose good God will accept them, and by these to promote God's service in sacrifice, in lights, in sustentation of the Clergy, the poor, and in all things honourable to God, and profitable to His Church; and if any man shall take these away (which God forbid) let him for his sacrilege give a most strict account to God, to Whom they are now dedicated, now devoted^a."

* [Quisquis ergo nostrum suas res Ecclesie tradit Domino Deo illas offert et non alteri dicendo talia et agendo ita. Facit enim scripturam de ipsis rebus quas Deo dare desiderat, et ipsam scripturam coram altari aut supra tenet in manu, dicens ejusdem loci Sacerdotibus atque custodibus, "Offero Deo atque dedico omnes res quae in hac chartula tenentur insertae, pro remissione peccatorum meorum et filiorum" (aut pro quocunque illas Deo deliberare voluit) "ad serviendum ex his Deo in sacrificiis missarumque solemnibus, orationibus, luminariis, pauperum ac Clericorum alimoniis, et ceteris divinis cultibus, atque illius Ecclesiae utilitatibus. Si quis autem eas inde quod fieri nullatenus credo abstulerit, sub poena sacrilegii ex hoc Domino Deo, cui eas offero atque dedico, districtissimas reddat rationes."]

The founders of religious houses, in the conclusion of their deed, following the example of Darius^b, imprecate a most heavy curse on them that violate or withdraw their gifts, *Venientibus contra hæc et destruentibus ea occurrat Deus in gladio iræ, et furoris, et vindictæ, et maledictionis æternæ*^c.

And here is to be remembered, that Abbeyes and Monasteries had in them Churches and Chapels which had from the Bishops and Clergy a more particular dedication and consecration, than from their founders; the Bishop using therein much Alms, many Prayers, and some decent Ceremonies: and after, even to the dissolution, the Sacraments were there constantly administered, and our ancestors had so reverent an esteem of Churches, as following the example of Christ, would not permit buying and selling in the Churchyard, but by Parliament prohibited it^d.

^b Ezra vi. 12. "And the God that caused His Name to dwell there, destroy all kings and people that put to their hands to alter or destroy this House of God."

^c Apostolatus Benedictin. in Angl. Apend. secund. f. 60.

^d [13 Ed. I. cap. 6. Statute of Winchester.]

Now consider, that if under the Levitical Law, which in this was moral and not taken away, the single act of "devoting thy house to the Lord," conferred such a sanctity, such a holiness upon it, that it could never be redeemed, but at a fifth part more than the worth, and that valued by the Priest: shall the founder's gift, (which was the dedication in the Levitical Law,) the fervent prayers and intercessions of the Clergy and Church, the long and frequent administration of Service and Sacraments under the Gospel; shall these add nothing of sanctity, nothing of reverence to it? But even where thy fathers and grandfathers for many hundreds of years reverently on their knees received mystically the Body and Blood of Christ, there thou (to avoid superstition) dost sacrilegiously feed thy ox and thy ass, and not permitting Christ, as at first, to lie between them, but more uncivil than the Jewish host, turnest Him out to make room for them.

But thou wilt say, these Abbeys, these Monasteries, were founded and dedicated by

idolatrous persons, consecrated by Popish Bishops, and for superstitious uses, and therefore not sacred, nor acceptable to God.

For the unworthiness of their persons, and their act, consider Korah and his company, who, as God Himself saith, were sinners against their own souls; nor canst thou think the sin small, where thou findest their punishment so great; for God smites them not as Uzziah with leprosy, nor with withered hands as Jeroboam, nor with death like Uzza, but to make their punishment answerable with their offence, God doth a new thing in Israel, fire from above consumes these, and the earth from beneath swallows up those men; and although Moses be commanded to scatter the fire, (for civil Magistrates may quench the fire of rebellion,) yet Aaron the Ecclesiastic hand must first gather up the censers, for they were holy, and God gives there the reason why holy, for, saith He, "they offered them to the Lord." And if so bad men, by a single and so bad an act, did consecrate their censers "to the Lord," needs must the pious gift and charity of the founders,

with the often Prayers and Sacraments of the Church daily used for many years, needs must they sanctify the Church or Chapel where used.

While God spake once from the bush to Moses*, He commands him "not to draw nigh," and yet at that distance bids him "put off his shoes, for the ground was holy." And "Joshua must be barefoot while he spake with the captain of the Lord's host, because the ground was holy†."

Consider then, that if the places be holy, where God spake once to Moses, once to the captain of the Lord's host; needs must the Church or Chapel be holy, where God hath so often spoken to thy fathers in Sacraments and Sermons, and where they to Him so often in prayer and thanksgiving.

If public holy actions do not sanctify the place where acted, David (though he would not offer to God that which cost him nought) needed not to buy that which he did not offer; the threshing-floor of Araugna: it had been

* Exodus iii.

† Joshua v. 15.

sufficient for David to pay for the oxen and threshing instruments, that must be burnt, not restored. The floor remained, but not for Araugna's use, (saith a learned Divine,) for by David's sacrifice, the floor was "devoted and sanctified to the Lord," and might not return to worldly employment, which David knew, and therefore bought it.

But thou wilt say, these are dedications and sanctions under the Law, not under the Gospel. It is true these were sanctions under the Law, and were moral, not ceremonial, and therefore remain under the Gospel. Christ that sends thee from the Altar, to be reconciled to thy brother, commands thee to leave thy gift behind thee at the Altar, and the reason given by Divines is, Because thou hast devoted it to the Lord; the gift remains holy, and might not return to the world: for though thy person be not accepted, yet thy gift by thy "devoting" is "holy to the Lord," as were the censers in the day of Korah.

Thou seest that Christ, who would not Peter should strike to rescue Him, his Master from

violence, yet He Himself strikes to free the Temple from sacrilege; and thou canst not think that Christ stroke this day to preserve, what he would abolish the next day, the sanction of the Temple.

Do but consider that of Ananias and Sapphirah, and thou wilt conclude, that the devoting any thing to God, is under the Gospel "a sanctifying it to the Lord;" and the withdrawing it, must then be sacrilege; which was Ananias's sin, agreed by all Divines; and Junius in his notes upon it saith, *prædium consecrassent Ecclesiæ*, they had consecrated it to the Lord. To conclude, thou canst not violate or irreverently use a Church or Temple, but thou must disrationate St. Paul's argument, who dissuades the pollution of thy body, because it is the "Temple of the Holy Ghost."

Thou mayest observe our law-books to have held Tithes due by divine right; our Parliaments in their statutes too, have acknowledged Tithes due to God and holy Church, and this both before, and after the statutes of dissolu-

tions; and that at this day the law reckons Tithes of Improprate, as well of Presentative Churches, to be Ecclesiastic things; and if this will not persuade a restitution of such as thou hast, yet let it dissuade a reception of more: for I know thou wouldst not buy a title litigious between thee and thy neighbour; and wilt thou that, which (at best) is questionable between thee and thy God, that must judge the title, and in a Court where thou canst have no advocate but His Son, Whom thou wouldst disinherit.

But the destruction of Korah persuades more with the Israelites, than the soft voice of Moses; and such oratory may take thee—hell hath frightened some to Heaven; view then the insuccess of sacrilegious persons in all ages, that will prevail with thee; for had Korah and his complices been visited after the visitation of other men, thou and I, nay, perhaps the whole congregation of Israel, would have believed what they said is truth, it sounded so like reason; and approved what they did as pious, it looked so like religion; but their

end otherwise informed them, and better instructed us; I will not trouble thee with precedents of foreign nations, as Bohemia, the Palatinate, and Germany, where, under colour of reformation, the ruin of Monasteries and Religious Houses, mightily enriched for the present both public and private coffers, and now the ravenous war hath both exhausted the wealth, and almost unpeopled the country; *hoc omen Deus avertat*. I will therefore tie myself to our own country, and story, unhappily plentiful in miserable examples.

I will begin with William the Conqueror. In the first year of his reign, he fires by his Normans St. Peters^s Church in York. In the fourth, he rifles the Monasteries^h, and about the eighteenth yearⁱ of his reign, destroyed thirty-six mother Churches in Hampshire, to make his New Forest; takes all their plate, all their treasure, even the chalices. In the thirteenth year^k of his reign, the son of his

^s Holl. [iii.] f. 7.

^h Holl. [iii.] f. 8.

ⁱ Speed, ix. c. 2. §. 46. Cambd. Brit. i. 134. (ed. Gibson.)

^k Hol. [iii.] f. 12. Speed, [ix. 2. §. 40.] Matt. Par. f. 10.

own loins (Robert of Normandy) rebels against him, and in battle beats his father from his horse, wounds his person, and (which is worse) his honour. About the nineteenth year, Richard his second (but first beloved) son, sporting in his father's New Forest, is there strangely killed by the goring of a stag, saith Speed¹, Cambden^m by a pestilent air. In the twentieth of his reign, he burnt the city of Mauntsⁿ, and Church of St. Mary's, with two Anchorites; and coming too nigh the flame, the heat of the fire and his arms attract a disease: and his horse leaping with him, breaks his rider's belly, whereof he dies; and his body (forsaken of his nobles and servants) lies three days neglected; after by the courtesy of a country gentleman, his corpse is brought to St. Stephens^o Church in Caen in Normandy, but in the passage the town fires, and his bearers leave him, and run to quench that; so that dead, he goes not quietly to his grave:

¹ Speed, [ix. 2. §. 46.]

^m Cambd. Brit. [i. 134.]

ⁿ Holl. 14. Speed, [ix. 2. 52.] Matt. Par. f. 13. [ed. 1640.]

^o Speed, [ix. 2. 57.]

whither brought at last, is there denied burial, by one who claimed the ground as his inheritance, forced from him by the Duke. All ceremonies stay until a composition was made, and an annual rent (saith Daniell^p) paid for his grave, in which before he could be laid, his body swelling, burst to the great annoyance of the company, he is offensive dead and living: afterwards the town being taken by an enemy, his bones, as unworthy to be enshrined in a Church, are digged up, and scattered like "chaff before the wind;" death denies him rest.

His grand-child Henry^q the son of Robert, hunting in the New Forest, is struck through the jaws with a bough of a tree, and like Absalom, found hanging in the thicket of an oak. His grandchild William (second son to Robert Duke of Normandy) was made Earl of Flanders, and in a war against his uncle Henry the First, received a small wound^r

^p S. Danyel, [first part of History of England, book ii. p. 144.]

^q Speed, [ix. 2. 46.]

^r Speed, [ix. 4. 52.] Matt. Par. f. 71. [60. 5.] Mille's Catalogue of the Kings of England, p. 77.

in his hand, and thereof died the last of the Conqueror's grandchildren by his eldest son.

Robert of Normandy, the Conqueror's eldest son, disinherited by his father, is taken prisoner^s by his brother Henry the First, who puts out both his eyes, and after twenty-six years imprisonment, Robert dies starved in the gaol at Cardiff^t.

William Rufus succeeded his father in his crown and curse; in his first year his Nobles rebel^u, in his sixth a great famine rageth, and such a mortality, as the quick can scarce bury the dead. About the tenth year^x of his reign, his treasury is stored by sale of chalices and Church-jewels. In his thirteenth year, while

^s Stow, [Ann. 1107. p. 136. 2. 50.]

^t Mat. Par. f. 73. [61.] Speed, [ix. 4. 56.]

^u Speed, [ix. 2. 6.] Matt. Par. f. 14.

^x Hol. 22. Speed, ix. 3. 27. [cf. Speed, ix. 3. 11. All Ecclesiastical promotions then vacant he assumed into his own hands, and kept the See of Canterbury without an Archbishop above four years, setting to sale the free rights of the Church, and he that would give most came soonest to preferment, whereby both the lands and good esteem of the Clergy was daily diminished.]

Sir Walter Tyrrel^y shoots at a deer in the New Forest, he kills the King, (in the same place where a Church stood,) who dies (beast like) not speaking a word.

Mills saith, the arrow glanced from the deer; Speed, and Matthew Paris, from a tree, and killed the King; but both agree his death to be (as his father's) by accident. He dead, his followers (as did his father's) leave his body and fled: his funerals are as his father's interrupted; for his corpse^z was laid in a collier's cart drawn by one "silly lean beast," (saith the book;) in his passage the cart brake in foul and filthy ways, leaving his body a miserable spectacle, pitifully gored, and filthily bemired: so, as his father, he passeth not quietly to his grave; yet at last he is brought bleeding to Winchester, and there buried unlamented.

^y Speed, ix. 3. 40. Matt. Par. 54. [44, 63. 45, 22.] *Cervus magnus cum ante eum (Regem) transiret ait Rex cuidam militi scilicet Waltero Tyrell: Trahe diabole. Exiit ergo telum volatile de quo bene et vere potuit dici et vaticinio denotari "Et semel emisum volat irrevocabile telum" et obstante arbore in obliquum reflexum faciens per medium cordis sauciavit, qui subito mortuus corruit.*

^z Matt. Par. *ibid.* Speed, ix. 3. 40.

Speed saith^a, his bones were after taken up, and laid in a coffer with Canute his bones ; but there they rest not ; for in December 1642, Winchester being entered by the Parliament forces, the organs, windows, and chests, wherein the bones of many our ancient Kings were preserved, were by the fury of the soldiers broken, and among others, his, and as his father's scattered upon the face of the earth, as not worthy burial. And this was the third of the Conqueror's issue that was murdered in the New Forest ; where the dogs licked the blood of Naboth, there they must lick the blood of Ahab ; where the sacrilege was committed, must be the place of the punishment.

Hugh, Earl of Shrewsbury, (11th William Rufus,) commanding against the Welshmen in Anglesey, kennelled his dogs in the Church of St. Frydance, where in the morning they were found mad : the Earl shortly after fighting with the enemy, was with an arrow shot dead^b in the eye, the rest of his body being strangely armed.

^a Speed, *ibid.*

^b Holl. 23.

Henry the First, the Conqueror's fourth son, is his brother's successor: he had several children, whereof his eldest, William, with his brother Richard, and sister Mary, in a calm day are drowned^d by the English shore; himself eating lampreys dies on a surfeit, and being opened, the stink of his body and brains poisons his physicians^e; one other of his daughters mourns her virginity in a Nunnery, and dies childless, and in the next generation is his name forgot: Plantagenet takes the Crown.

It is observable, that the Conqueror, all his sons, and all their sons, died untimely deaths, (unless thou reckonest the lamprey surfeit of Henry the First to be natural,) and what the author notes of Nebuchadnezzar and Henry the Eighth, is also true of William the Conqueror; for in the sixty-eighth, after his destroying St. Peter's Church at York, which was in his second year, his name is extinct,

^d Matt. Par. ann. 1120. f. 69. [57.] Speed, ix. 4. 40. Holl. 41.

^e Matt. Par. f. 73. [61. anno 1135.] Speed, ix. 4. 57.

and his kingdom is devolved to another nation, Plantagenet^f takes his Crown: and upon search (I fear) thou shalt find very few families (among the many thousands) in England, who enjoy their sacrilegious possessions of Abbeys and Improvements beyond the sixty-eighth year, and very many that hold them not half the time, and none almost but with some notable misfortune.

I cannot omit the sacrilege and punishment of King John, who in the seventeenth year of his reign, among other Churches, rifled the Abbeys of Peterborough^g and Croyland, and after attempts to carry his sacrilegious wealth from Lynn to Lincoln; but passing the Washes, the earth in the midst of the waters opens her mouth, (as for Korah and his company,) and at once swallows up both carts, carriage, and horses, all his treasure, all his regalities, all his Church spoil, and all the Church spoilers, not one^h

^f Speed, ix. 2. 16. A. D. 1609. That of the Norman time held 69 years.

^g Holl. 194. Matt. Par. f. 287. [241.]

^h Matt. Par. f. 287. [242, 1.] nec pes unus evasit qui regi casum nuntiaret.

escapes to bring the King word; the King himself passes the Wash at another place, and lodges that night in Swinstead Abbey, where the news and sickness (whereof he died) together met him; some say he was poisoned by a Monk of Swinstead.

William Marshall, Earl of Pembroke, the great Protector both of King and Kingdom, having in the Irish war forcibly taken from the Bishop of Fernes two Manors belonging to his Church, was by him much solicited to restore them; but the Earl refusing, was by the Bishop excommunicated, and so dying, was buried in the Temple Church at London. The Bishop sues to the King to return the lands, the King requires the Bishop to absolve the Earl, and both King and Bishop go to the Earl's grave; where the Bishop in the King's presence used these words: "Oh William, which liest here snared in the bonds of Excommunication, if what thou hast injuriously taken from my Church be with competent satisfaction restored, either by the King, thy heirs, or friend, I then absolve thee; otherwise I ratify my sentence,

Ut tuis semper peccatis involutus in inferno maneat condemnatus."

The King blames the Bishop's rigour, and persuades the sons to a restitution: but the eldest William answered, "He did not believe his father to have got them unjustly, because possessions got in war, become a lawful inheritance: and therefore if the doting old Bishop hath judged falsely, upon his own head be the curse: my father died, seized of them, and I lawfully inherit them, nor will I lessen my estate."

Which the Bishop hearing, was more grieved at the son's contumacy, than the father's injury, and going to the King, told him, "Sir, what I have said, stands immutable; the punishment of malefactors is from the Lord: and the curse written in the Psalms will fall heavy upon Earl William, in the next generation shall his name be forgot, and his sons shall not share the blessing of 'increase and multiply,' and some of them shall die miserable deaths, and the inheritance of all be dispersed and scattered, and all this my Lord, O King, you shall see even in your days."

With what spirit the Bishop spake it, do thou judge; for in the space of twenty-five years, all the five sons of the Earl successively, according to their birth, inherit his Earldom, and lands, and all die childless, the name and family is extinct, and the lands scattered and dispersed: and that nothing might fail of what the Bishop foretold, Richardⁱ his second son is sore wounded, and taken prisoner in Ireland, and there dies of his hurts.

Gilbert^k the third son justing at Hertford breaks the reins of his bridle, and falling from his horse, one foot hangs in the stirrup, and he thereby dragged about the field, till rent and torn, and so by a miserable death satisfied the curse^l.

ⁱ Matt. Par. f. 400 and 403. [336 and 340.]

^k Matt. Par. f. 565. [502.] A. D. 1241.

^l Matt. Par. f. 687. [601. A. D. 1245. December.]—Et quia tam miser tamque miserabilis et inauditus casus, de quinque filiis Willielmi Marescalli magni accidit, qui secundum ordinem natiuitatis suæ, dum adhuc eis prosperitas possessionum et ætatis arderet, lachrymabiliter et absque liberorum propagine sublatis sunt de medio: juxta vaticinium matris eorum, dicentis, *quod omnes Comites futuri erant unius Comitatus*: quia Anselmus licet non fuisset investitus in Comitatu, tamen devolvebatur

But these examples are at too great a distance, and not to be discerned, but through the

ad eum. Et ita vere Sibylla fuit mater eorum: nec credendum arbitror, hoc sine divino iudicio contigisse. Quiddam ideo memoratu dignum, duximus huic opusculo breviter annexendum. Memoratus itaque Willielmus, utpote bellicosus et strenuus, dictus Marescallus, quasi Martis Senescallus, dum in Hybernia stragi intendens et incendio, terras sibi acquireret spaciosas; a quodam sancto Episcopo duo maneria, ad suam Ecclesiam pertinentia, violenter et injuriose surripere, et subrepta sibi usurpando præsumpsit; quasi justo titulo, quia in bello adquisita, possidere. Episcopus igitur, post frequentes admonitiones, in ipsum Comitem procaciter respondentem, et contumaciter in peccato suo dicta maneria retinentem; sententiam excommunicationis non immerito fulguravit. Quod Comes contemnens, tempora bellica præposuit pro excusatione, injurias injuriis cumulando. Unde non sine ratione quidam magister Gervasius de Melckeia, de eo versus componens, et quasi ejus personam assumens, ait:

Sum quem Saturnum sibi sensit Hybernia, Solem
Anglia, Mercurium Normannia, Gallia Martem.

Tenuit igitur dictus Comes ipsa maneria tota vita sua, et suo dominio continuavit. Post aliquot vero annos contigit Comitem memoratum, viam universæ carnis ingressum, apud novum Templum Londini sepeliri. Hoc cum Episcopo prænominato innotuisset, (ipse autem fuit Episcopus de Fernes, Monachus Cisterciensis ordinis, natione Hybernicus, sanctitate perspicuus,) non sine magno corporis labore, Regem adiit, tunc Londini commorantem; gravemque coram eo de prædicta injuria querimoniam reponens, afferebat se Comitem pro eo non immerito excommunicasse.

perspective of Ancient History, I will therefore come nigher and view Cardinal Wolsey, who

Supplicavitque Regi, ut auctoritate Regia et præcepto, necnon et pro animæ dicti Willielmi Comitis liberatione, sibi sua maneria restitueret; ut sic defunctus absolutionis beneficium obtinere mereretur. Rex itaque his auditis, contristatus, petit Episcopum, ut accedens ad dicti Comitis sepulchrum, ipsum absolveret, et ipse idem rex intenderet diligenter satisfactioni. Accedens igitur Episcopus, Rege presente, ad tumultum, audientibus circumstantibus, ait, quasi vivus ad vivum affando tumultum: O Willielme, qui hîc jaces sepultus, vinculis excommunicationis irretitus, si ea quæ injuriose abstulisti Ecclesiæ meæ per Regem, vel per hæredem tuum, vel per aliquem tuorum propinquorum vel amicorum, cum competenti satisfactione restituantur, absolvo te: alioquin sententiam ipsam confirmo, ut tuis semper peccatis involutus, in inferno maneat condemnatus. Rex autem hoc audiens, iratus, Pontificis rigorem redarguit immoderatum. Cui Episcopus: Domine, ne miremini si commoveor: spoliavit enim Ecclesiam meam maxima sua commoditate. Rex itaque Willielmum filium ejusdem Comitis primogenitum et universorum hæredem, jam hæreditate investitum, necnon et quosdam fratrum suorum secreto alloquens, petit ut memorata maneria injuste ablata restituendo, animam patris eorum misericorditer liberarent. Cui Willielmus: Non credo, sicut nec credendum est, quod pater meus ea abstulisset injuriose: quia quod tempore belli adquisitum est, in justam cedit possessionem. Si Episcopus ille senex et delirus injuste sententiavit, in caput suum maledictio retorqueatur. Nolo hæreditatem meam, qua investior, decrescens minuere. Pater meus seiscitus decessit: ego juste in ea quæ inveni ingredior. Cui consentiebant fratres. Rex autem, utpote tunc juvenis, et sub tutore, noluit aliquatenus tantum et tam

from a mean and obscure root grew to overshadow all the subjects of England, eminent for wit as learning, great in the esteem and favour of his Prince, laden with home and foreign dignities, full of wealth as years: in brief, he was, while free from sacrilege, the great and successful counsellor of his Prince, and indeed the catalogue of human blessings: but about the seventeenth year of Henry the Eighth,

nobilem constrictari. Hæc autem postquam Episcopo innotuissent, plus doluit iratus de filiorum contumacia, quam de patris injuria primitiva. Et Regis adiens præsentiam, dixit ei: Quod dixi, dixi: et quod scripsi, indelebiter scripsi. Stat enim sententia. Afflicta est a Domino pœna malefactoribus, et quæ in Psalmo scribitur maledictio, Comiti Willielmo, de quo conqueror, imponitur onerosa: *In generatione una delebitur nomen ejus: et filii ejus exortes erunt illius Dominicæ benedictionis: Crescite et multiplicamini.* Morienturque eorum aliqui morte lamentabile, et hæreditas eorum dissipabitur. Et hæc omnia, domine mi Rex, in vita vestra, imo in adhuc florente ætate, videbitis. Et cum hæc in cordis amaritudine, quasi hausto spiritu Prophetico, perorasset Pontifex, tristis recessit. Et sic innodatus anathemate Comes nobilis Willielmus Marescallus qui posuit brachium sibi carnem suam, derelictus est. In cujus rei argumentum nimis evidens, contigit paucis ante evolutis annis, post mortem omnium suorum filiorum, videlicet quando dedicata est Ecclesia *Novi templi*, anno gratiæ MCC. inventum est corpus sæpediti Comitis, quod erat infutum corio taurino integrum; putridum tamen, et prout videri potuit, detestabile.

Wolsey by consent and licence of the King and Pope Clement the Seventh^m, dissolves forty small Monasteries in England, to erect two Colleges, the one in Oxford, the other in Ipswich: thou and I may think this a work of piety, to destroy the poor idolatrous cells of lazy and ignorant Monks, to erect stately colleges for learned and industrious Divines; this God must accept, and prosper both the act and the actor. No, thou art deceived; He that would not that thou shouldest do evil that good may come thereof, will not accept an offering commenced by sacrilege, in the ruin of forty Religious Houses: Wolsey lays the foundation of his Colleges, but never sets up their gates.

About three years after, the King possesseth his Palace at Westminsterⁿ, [Whitehall,] the Great Seal is taken from him, his great wealth seized, and himself confined to a poor house at Assure, where he remained a time (saith Good-

^m Holl. 891. Stow, [p. 522. 2.] Goodw. f. 67.

ⁿ Goodw. f. 104, [105.] Holl. 909.

win^o) without necessaries, driven to borrow furniture for his house, money for his expences; so as in his speech to the Judges he complained, that he was driven as it were to beg his bread from door to door: 21 Hen. VIII. he is convicted in a Premunire, all his lands and estate seized by the King^p; his College at Ipswich destroyed before built, that at Oxford receives some endowment, and a new name from the King, but is never to be finished. In the 22 Hen. VIII. at his castle at Caywood, he is by the Earl of Northumberland^q arrested of high treason, and sent towards London; at Leicester the Lieutenant of the Tower met him, at whose sight he was much affrighted, and to prevent a public and ignominious death which he feared, he gave himself (saith Martin^r) a purge^s, *venenum recepissee*, (say they that write

^o Goodw. f. 105.

^p Holl. 909. Goodw. f. 67 and 108.

^q Holl. 915.

^r Martin, [History of the Kings of England, by B. R.] p. 304. 306.

^s Vitæ Pontif. Rom. et Cardinalium, [Ciaconii, anno 1515. vol. iii. f. 344.]

the lives of the Popes and Cardinals,) whereof he died, and was obscurely buried in Leicester Abbey, without other memory than his sacrilege.

The Cardinal in dissolving his forty Monasteries had used the help of five men, (besides Cromwell,) whereof two afterwards fought a duel[†], in which one is slain, and the survivor hanged for the murder, so each died guilty of his own and the other's blood: a third becomes Judas like his own executioner; for throwing himself into a well he is there drowned: the fourth, a great rich man (to whom nothing is so terrible as poverty) lives, to beg his bread from door to door: the fifth a Bishop cruelly murdered in Ireland, by Thomas Fitz-Garret, son to the Earl of Kildare[‡].

I might here remember how Pope Clement[×] the Seventh, after his voluntary consent to destroy poor Religious Houses, is himself forced out of his stately palace at Rome, and

[†] Goodw. f. 67.

[‡] Stow, Abridg. f. 498.

[×] Speed, ix. 21. 54. Vitæ Pont. Rom. et Card. [Ciacconii, vol. iii. p. 466.]

being besieged at his castle of St. Angelo, is there constrained to eat asses' flesh; and taking such conditions as a victorious enemy would give, is driven to plunder his own Church to pay his enemy's army, and at last dies wretchedly of a miserable disease: but this is foreign, and I tied to home examples.

Thomas Lord Audley, received the first fruits of Henry the Eighth his sacrilege, for in the twenty-fourth year of his reign, the King dissolved (by what means I find not) the Priory of Christ-Church in London, and gave, saith Stow^y, the Church plate and lands to Sir Thomas Audley, who, upon the dissolution of Monasteries, got that of St. James, in Little Walden in Essex, and made it both his seat, and place of his Barony; and after, left it to Margaret his daughter and heir, first married to Henry Dudley, son to the Duke of Northumberland, slain at St. Quintynes, and died without issue: and after, she was second wife to Thomas Duke of Norfolk, who had issue, Thomas Howard, created Lord Walden, being

his grandfather's title, and to credit his mother's inheritance upon the site of the Monastery he began a goodly structure^z, (but attended with the fate of sacrilegious foundations,) for that much impairs him, and he never perfects that : he met also with other misfortunes, which betiding so noble a family, and yet not published to the world, are fitter for thy enquiry than my pen.

Cardinal Wolsey being dead, his servant Cromwell succeeds him in his Court, favour, and fate : as their births were alike obscure, their rise alike eminent, so alike miserable were their downfall : wonder not at the first part of their fortune, but contemplate the latter. Policy in Kings prefers able men to high places and honour ; for authority, power, and esteem of the persons, advantages their actions, of which wise Princes reap the harvest, the actors get but gleanings : while the King makes Cromwell a Baron, his Secretary, Lord Privy Seal, his Vicegerent in Ecclesiasticis, he doth but facilitate his own great work of dissolving

* Audley Inn.

Monasteries^a, a business wherein Cromwell was too much versed, and unhappily too successful. Report spake him a great stickler for the Protestant religion, and that although the Gospel had lost a pillar in Queen Ann Boleyn, yet was another raised in Cromwell^b, for he had caused the Bible to be read, the Creed, Paternoster, and Ten Commandments, to be learned in English, and expounded in every Church^c: some thought that Cromwell hoped to bury Popery in the ruins of the Abbeyes, and thereby give the better growth to the more pure Protestant religion: how pious soever his intents were in reforming religion, yet was not the manner of effecting them (it seems) acceptable to Heaven; for by Parliament in the 31st of Hen. VIII. he perfected his dissolutions, and in April, in the 32d Hen. VIII. he is made Earl of Essex^d, and Lord

^a Speed, [ix. 21. 94, 95.]

^b Speed, [ix. 21. 95.]

^c Goodw. f. 146.

^d Holl. 950, 951. [The eighteenth of April at Westminster was Thomas Lord Cromwell created Earl of Essex, and ordained great Chamberlaine of England, which office the Earles of

Great Chamberlain of England, high in the King's favour and esteem, yet instantly, while sitting at the Council Table, he is suddenly apprehended and sent to the Tower, whence he comes not forth until to his execution^e; for in Parliament he is presently accused of treason and heresy, and unheard, is attainted. Some do observe that he procured^f that law of attaining by Parliament, without hearing the party, and

Oxford were wont ever to enjoie. Also Gregorie his sonne was made Lord Cromwell.—The ninth daie of Julie, Thomas, Lord Cromwell, late made Earl of Essex, (as before you have heard,) being in the Council Chamber was suddenly apprehended, &c.]

• Goodw. f. 174.

^f Sir Edward Coke, in his Jurisdiction of Courts, [Institutes, part iii.] fol. 37. saith, That Sir Thomas Gaudy, then a grave Judge of the King's Bench, after told him, that Cromwell was commanded to attend the Chief Justices, to know whether a man that was forthcoming (as being in prison) might be attainted of high treason by Parliament, and not called to answer. The Judges answered, It was a dangerous question, and they thought a Parliament would never do it. But being by the express commandment of the King, and they pressed by the said Earl (Cromwell Earl of Essex) to answer directly, said, That if he was attainted by Parliament, it could not be questioned whether the party was called to answer or not; but the party against whom this was intended (said he) was never questioned, but that the first man that suffered by that proceeding was the said Cromwell himself.

that himself was the first, that by that law died unheard, for in July following he was there-upon beheaded.

Next consider, that King Henry the Eighth, who engrossed sacrilege, and retailed it to posterity; what the Pope permitted Wolsey, (saith Cambden,) Henry the Eighth, with the assent of his Parliament, permits himself; the first to catch the Pope pretends charity and good works, (Colleges shall be built,) the latter to win the Laity in Parliament was offered with the revenue of Religious Houses to maintain forty Earls^s, sixty Barons, three hundred

* Mr. Howes' Preface to Stow's Annals. Sir Edward Coke, Jurisdiction of Courts, fol. 44. [Institutes, part iii. On the King's behalf the Members of both Houses were informed in Parliament, that no King nor kingdom was safe, but where the King had three abilities. 1. To live of his own, and able to defend his kingdom upon any sudden invasion or insurrection. 2. To aid his confederates, otherwise they would never assist him. 3. To reward his well deserving servants. Now the project was, that if the Parliament would give unto him all the Abbies, Priors, Friories, Nunneries, and other Monasteries, that for ever in time then to come he would take order that the same should not be converted to private use: but first, that his Exchequer for the purposes aforesaid should be enriched. Secondly, The kingdom strengthened by a continual maintenance of forty thousand well-

Knights, forty thousand soldiers, and for ever ease the subject of taxes and subsidies, both obtained their desires in dissolving; neither perform the ends promised. Henry the Eighth had still furthered Wolsey in his dissolution, and thereby found the way to ruin all the rest.

trained soldiers with skilful captains and commanders. Thirdly, For the benefit and ease of the subject, who never afterwards (as was projected) in any time to come should be charged with subsidies, fifteenths, loans, or other common aids. Fourthly, Lest the honour of the Realm should receive any diminution of honour by the dissolution of the said Monasteries, there being twenty-nine Lords of Parliament of the Abbots and Priors (that held of the king *per Baroniam*, whereof more in the next leaf) that the king would create a number of Nobles, which we omit. The said Monasteries were given to the King by authority of divers Acts of Parliament, but no provision was therein made for the said project, or any part thereof; only *ad faciendum populum* these possessions were given to the King, his heirs, and successors, to do and use therewith his and their own wills; *to the pleasure of Almighty God, and the honour and profit of the Realm.*

Now observe the catastrophe; in the same Parliament of 32 Hen. VIII. when the great and opulent Priory of St. John's of Jerusalem was given to the King, he demanded and had a subsidy both of the clergy and laity. And the like he had in 34 Hen. VIII., and in 37 Hen. VIII. he had another subsidy. And since the dissolution of the said Monasteries he exacted divers loans, and against law received the same.]

In the twenty seventh year^h of his reign, by Parliament, he dissolves the lesser houses, and in the thirty-firstⁱ the great ones, in the thirty-seventh^k all the Colleges, Hospitals, and Free Chapels, except some few, and possesseth all their lands, goods, and treasure. For the first half of his reign (while free from sacrilege) he was honoured of his allies abroad, loved of his subjects at home, successful in his actions, and at peace, as it were, with God and man ; but after his sacrilege (as in disfavour with both) his subjects rebel, first in Suffolk, after in Lincoln, Somerset, Yorkshire, and the northern parts, as also in Ireland, such dearth of bread and corn in England, (the granary of Christendom,) that many die starved, which hath not been since the 40th of Hen. III. And now (like Saul forsaken of God) he falls from one sin to another. Queen Catharine (the wife of his bosom for twenty years) must now be put away, the marriage declared void, and

^h Vid. 27 Hen. VIII. [de Monasteriis.]

ⁱ 31 Hen. VIII. c. 13.

^k 37 Hen. VIII. c. 4.

he desirous of sons, rather than pillars to bear his name, marries the Lady Anne Boleyn¹, and by her had the Lady Elizabeth, and in the 27th of his reign a son born dead (to his great affliction) the 19th of May, 1536. The 28th of his reign she is beheaded, and the next day he marries^m the Lady Jane Seymour, who being with child by him, she (nature unwilling to give birth to the son of such a father) wants strength to bring forth; the father commands her incisionⁿ, and the mother, the twelfth of October, dies to give a short life to her son, and the sixth of January in the thirty-first year, the King weds the Lady Anne of Cleve^o, and in July after is divorced: and in August following he marries the Lady Katharine Howard^p, and in December, in the thirty-third of his reign, she is attainted, and dies on the block: and in July, in the thirty-fifth of his reign, he marries the Lady Katharine Parr^q. Here is wives enough to have peopled another

¹ Speed, [ix. 21. 32.]

ⁿ Speed, [ix. 22. 1.]

^p Speed, [ix. 21. 108.]

^m Speed, [ix. 21. 91.]

^o Speed, [ix. 21. 105.]

^q Speed, [ix. 21. 109.]

Canaan, had he had Jacob's blessing; but his three last are childless, and the children of the two first are by statute declared illegitimate, and not inheritable to the Crown*.

But himself growing aged and infirm, hopeless of more children, and not willing to venture the support of his Crown and family upon a single, and so weak a prop as was his son Prince Edward; in the thirty-fifth year^s of his reign he entails the Crown upon his children: after his death, they all successively sway his Sceptre, and all die childless, and his family is extinct, and, like Herostratus, his name not mentioned but with his crimes. His Crown happily descends to the issue of his eldest sister, and a foreign nation (like Cyrus's) fills his throne.

Among the many great and active men aiding Henry the Eighth in his dissolution of Monasteries, and receiving great reward out of his Church spoil, Charles Brandon, Duke of Suffolk, was the chief: he had four wives; his first the daughter of Nevil, Marquis Mount-

* 28 Hen. VIII. c. 7.

* 35 Hen. VIII. c. 1.

eagle, who died without issue. By his second wife he had one daughter, married to Stanly, Lord Montague, but died without issue. His third wife was Mary Queen Dowager of France and sister to Henry the Eighth, by her he had one son, Henry, and two daughters, Frances and Eleanor. His son was created Earl of Lincoln, but died a child: his daughter Frances, married Gray, Marquis Dorset, and after Duke of Suffolk, who had one son Henry who died young; Jane Gray, his eldest daughter, married to Guildford Dudley[†], and was with him beheaded about 5th Mary. Katharine his second daughter was married to Edward Lord Seymore, eldest son to the Duke of Somerset; Mary his third daughter married to Martin Keyes, and died without issue[‡]. Ellenor, second daughter to Charles Brandon, married to Clifford Earl of Cumberland, a gallant family, lately extinct.

The Queen Dowager dying, Charles Brandon married the daughter and heir of the Lord

[†] Speed, [ix. 23. 23.] Holl. f. 1099.

[‡] Goodw. f. 244. [?]

Willoughby of Eresby, who enriched him with two sons, Henry and Charles ; but the Duke dying about the 36th of Hen. VIII. left his title and estate to his son Henry, who enjoyed it until 5 Edward VI. then dying of the sweating sickness, left them to his brother Charles^x, who only lived to be his brother's heir, and Duke of Suffolk ; and the same day and of the same disease with his brother died : and with him the title, name, and family of Brandon.

The statute of Hen. VIII. c. 13. gives the Monastery of Sibeton in Suffolk, to the Duke of Norfolk, and the Chantry of Cobham in Kent, to the Lord Cobham, since which time how heavy the hand of justice hath fallen upon these noble families, inform thyself from our Annals.

Consider next the Duke of Somerset, Protector to Edward the Sixth : Goodwin in his Annals saith, "He was a just and pious man, a zealous reformer of religion, a faithful pre-

^x Holl. f. 1066. marg. Goodw. [Annals, 1545.] Speed, ix. 22. 65.

server of the King and Commonwealth, save that with the common error of the time, his hands were deep in sacrilege^y." In the first year of Edward^z the Sixth, he procured the dissolution of some Chantries, Free Chapels, and Hospitals, left undissolved by Hen. VIII. In the third year, he permits (if not procures) his brother Thomas Lord Seymour, untried, (saith Goodwin^a;) to be attainted by Parliament; and shortly after, (not unblamed,) signed a warrant for his execution, whereupon his brother lost his head, and he a friend.

The same year his zeal to reformation adds new sacrilege to his former; for he defaces some part of St. Paul's Church^b, converts the Charnel-house and a Chapel by it into dwelling houses, and demolishing some Monuments there, he turns out the old bones to seek new sepulchres in the fields: next he destroys the Steeple, and part of the Church of St. John's of

^y Goodw. f. 252.

^z Stat. 1 Ed. VI. c. 14.

^a Goodw. f. 227.

^b Stow's Annals, [p. 596. ed. Lond. A. D. 1631.]

Jerusalem^c, by Smithfield, and with the stone beginneth to build his house in the Strand^d; but as the leprosy with the Jews, with us the curse of sacrilege, cleaves to the consecrated stone, and they become unsuccessful, so as the builder doth not finish his house, nor doth his son inherit it. In the fifth year of Edward the Sixth, the Duke was indicted, and found guilty of felony, which was (saith Hollinshed) upon a statute made the third and fourth of Edward the Sixth, and since repealed: whereby to attempt the death of a privy councillor is felony, (Goodwin saith,) upon the statute of 3 Hen. VII. but erroneously, that not extending to Barons. It is observable, that this law was but the year before passed by himself, and himself the only man that ever suffered by it. The statute being since repealed, Goodwin^e observes and wonders, that he omitted to pray the benefit of his book, as if Heaven would not, that he that had spoiled His Church,

^c Stow's Annals, *ibid.*

^d Somerset House.

^e Goodw. f. 247.

should be saved by His Clergy: and it is observable, that in the reign of Edward VI. none of the nobility dies under the rod of justice, but the Duke of Somerset, and his brother the Lord Admiral, all the uncles the King had, and their crimes comparatively were not heinous.

Did these men die the common death of all men, or are they visited after the manner of all men? if not, believe they provoked the Lord, and consider, that if they sinned in the first profanation, thou that continuest their act, canst not be innocent.

Here thou mayest see God observing a decorum in his punishment of sacrilege. The issue of the Conqueror are strangely (almost miraculously) slain in the New Forest, where their father committed the sacrilege. Wolsey, that by the King's power and license had destroyed forty Monasteries, is by the King's power ruined, and at last driven to seek entertainment, and an obscure grave in a Monastery: his agents, that had thrust themselves into his sacrilegious employment, are them-

selves their own executioners, guilty of their own bloods.

Pope Clement the Seventh, that willingly permitted the spoil of forty poor Monasteries, to erect two rich Colleges, is himself necessitated to plunder his own rich Church, to preserve his poor decayed person.

The Lord Cromwell, and Duke of Somerset, commit their sacrilege by acts of Parliament, and by Acts of Parliament they perish every one by the sword, wherewith he strikes.

And since in the Acts of Parliament for dissolution of Monasteries, the whole Kingdom was involved either by their personal consent as Barons, or their implicit consent in the representative body in the House of Commons; we have just cause to fear and pray, lest God, still observing His order, and turning our artillery upon ourselves, should make use of a Parliament (whereby our fathers robbed Him) to destroy us their children.

I have here given thee instance only of such as were the first actors in the violation and subversion of Monasteries; lest therefore thou

shouldest think the crime and punishment endeth with them, consider with me the condition and success both of our Commonwealth in general, and of private families in particular before the dissolutions, and observe them after; and we shall find just cause to think there is a cursed thing amongst us. For while our Religious Houses stood, they employing their revenues according to the donor's direction, opened wide their hospitable gates to all comers, and without the charges of a reckoning, welcomed all travellers, until the statute of 1 Edward I. restrained and limited them, and casting their bread upon the waters, they relieved the neighbouring poor, without the care of the two next Justices of Peace, or the curse of a penal law: while they stood, the younger children both of Lords and Commons were provided for, without the ruin of their father's estate, or (almost) a charge to their parents, and not left (as now) often to an unworthy, necessitous, and vicious course of life: we had then no new laws (the offspring of new vices) to erect houses of correction for

lewd and vagrant persons^f, to provide stock to bind poor children prentices, or to make weekly levies to maintain the weak, lame, indigent, and impotent people, to our new charge of an annual subsidy at least : for these were provided for, those prevented by the charity of our Religious Houses ; and then the families and estates of our nobility and gentry continued long through very many descents. But when covetous sacrilege got the upper hand of superstitious charity, and destroyed all our Monasteries, all our Religious Houses, the preservers of learning, both divine and human, by their learned works and laborious manuscripts ; the suppressors of vice, by their strict, regular, and exemplary life, (though some, nay many among them, sons of Ely, made the "offerings of the Lord to stink before the people,") then all their Houses, all their Lands, Appropriations, Tithes, and Oblations, coming into the King's hands, (policy to prevent a restitution,) distributes them among the laity ; some the King exchanges, some he sells, others

^f Vid. 43 Eliz. c. 2, '3.

he gives away; and by this means (like the dust flung up by Moses) they presently disperse all the Kingdom over, and at once become curses both upon the families and estates of the owners; they often viciously spending on their private occasions, what was piously intended for public devotion; insomuch that within twenty years next after the dissolution, more of our nobility and their children have been attainted, and died under the sword of justice, than did from the Conquest to the dissolution, being almost five hundred years: so as if thou examine the list of the Barons in the Parliament of the 27th Hen. VIII., thou shalt find very few of them, whose son doth at this day inherit his father's title and estate; and of those few, many to whom the King's favour hath restored what the rigorous law of attainder took, both dignity, lands, and posterity. And doubtless the Commons have drunk deep in this cup of deadly wine, but they being more numerous, and less eminent, are not so obvious to observation.

Thou hast seen the insuccess of Henry th

Eighth and his family, and mayest observe his sacrilegious wealth not to thrive better.

Mr Cambden^h in his Britannia saith, that in the time of Henry the Eighth, after the dissolution of the lesser Houses, there were remaining 645 Monasteries, (monuments of our ancestors piety,) built to the honour of God, and propagation of the Christian faith, learning, and the relief of the poor; as also 96 Colleges, (besides those in the University,) 110 Hospitals, and 2374 Chantries, and Free Chapels. All which, except some few Colleges, Free Chapels, and Chantries, with all their lands and wealth, came to Henry the Eighth, the annual value of the lands then being very vast, their goods and personal estates exceeding great, besides the plunder of Shrines inestimable, when the pearl, gold, and precious stones of one Shrine filled two chestsⁱ so as each took eight strong men (saith Mr Cambden) to carry it.

And though the dissolving of Chantries, Colleges, and Free Chapels, in the 37th of

^h Cambden Britt. f. 163. [p. ccxxx. ed. 1722.]

ⁱ Goodw. f. 159.

Hen. VIII. his reign did not yield him a crop equal to the vintage of his former reformati-
ons: yet was his harvest better than the gleanings
of Ruth, though among full sheaves. Speed^k
saith he had twelve barrels filled with gold and
silver, which Cardinal Wolsey provided for the
Pope. Goodwin remembers 118,840*l.* he had of
the Clergy for their fine in a premunire, besides
the great benefit of forfeitures that accrued by
the attainders of many great men, and the
multitude of loans, taxes, and subsidies, he re-
ceived from his subjects; being more (saith
Mr. Cambden and Mr. Howes) than all the
Kings had in 500 years before: yet all this
excess of wealth, added to that mass of
5,300,000*l.* left him in ready money by his
father, as appears by the Close-Roll of 3 Hen.
VIII. (saith Sir. Edward Coke^l) could not
preserve him from want, (the certain attendant
on sacrilegious wealth,) wherewith he is so sore
pressed, that about the thirty-sixth year of his
reign, of all the Kings of England, he alone,

^k Speed, [ix. 21. 77.]

^l Coke, [Institutes, part iii.] Jurisdiction of Courts, f. 198.

coins not only base^m tin and copper, but leather money.

And it is observed that since the accession of Abbeyes, and Impropriations to the Crown, even the crown lands, (which formerly have been thought sufficient to support the ordinary charge of the Crown,) are now so wasted (*absit invidia dictis*) as they will scarce defray the ordinary charge of the King's household. And while such bitter streams flow from sacrilegious wells, though digged by Kings, subjects that fill their cisterns from thence cannot expect to drink sweet waters.

Reynerusⁿ tells us, and upon good credit, that at the dissolution, Henry the Eighth divided part of the Church spoils among two hundred and sixty gentlemen, of families in one part of England, and at the same time Thomas Duke of Norfolk, rewards the service of twenty of his gentlemen, with the grant of 40*l.* a year out of his own inheritance; and that,

^m Non tantum stanneam cuprinamque sed coriaceam pecuniam solus omnium Regum Ang. procudere coactus est.

ⁿ Apostolatus Benedictinorum in Anglia. Tractat. l. i. c. 227, 228.

while not sixty of the King's donees had a son owning his father's estate, every one of the Duke's hath a son^o of his own loins, flourishing in his father's inheritance; and that he could have set down their several names had conveniency required it.

Thou mayest here expect I should observe the ill-success of particular private men, possessors and owners of Impropriations and sites of Religious Houses, but to set down all, would make the porch much bigger than the house, a disproportion, I fear, among other errors, I am guilty of, while I discover the nakedness only of thee, thy parents or friends. But do thou, and let every man observe, how often Impropriations and Religious Houses in a short time change, and shift their owners, like the Ark not resting, either with the men of Ashdod, Gath, nor Ekron^p, but wearies them out with emerods and mice; curses upon their persons and estates: but returned to Beth-shemeth and Kirjath-jearim to its own

^o [Grandson, vid. Reyner.]

^p 1 Sam. v. and vi.

place, to the Priest, and Levite, not only Obed-Edom, but even all Israel is blessed.

And that thou mayest neither doubt, nor yet wonder, at the insuccess of sacrilegious persons, first weighing what David prayed against those that did but say, "Let us take to ourselves the Houses of God into our possession^q;" next remember, the many and grievous curses imprecated by founders of Religious Houses, and those seconded by their spiritual mother the Church^r, she enjoined it by the natural parent, in several Acts of Parliament, and canst thou hope good from their blessings, and not fear evil from their curses? If thou thinkest the founders idolatrous, the Church Popish, and therefore their curses not regardable; let that in Ezra^s rectify thy error, where thou shalt find Darius finishing what Cyrus began, the second Temple at Jerusalem; then restoring what Nebuchadnezzar had taken, all the golden and silver vessels; then he gives cattle, corn, wine, oil,

^q Psalm lxxxiil.

^r 17 Ed. I. c. 6. [?] (see 25 Ed. I. c. 4.)

^s Ezra vi.

&c. for sacrifices, and adds this curse upon the violators; "And the God that hath caused His Name to dwell there, destroy all, King and people, that put to their hand, to alter and destroy this House of God^t," which is at Jerusalem. There thou mayest observe both an idolater giving, and a heathen cursing, yet is his gift acceptable, and his curse prevalent: for thou shalt find Antiochus Epiphanes^u his armies destroyed, himself dejected, and complaining even to death, of his great tribulation and misery, acknowledgeth that they befall him for his evil done at Jerusalem; for he took thence the Golden Altar, the Table of the Shew-Bread, the vessels of gold and silver, as thou mayest read in the first chapter of the first book of Maccabees^x, and himself dying of a most loathsome disease. And shortly after his son Antiochus Eupater is slain^y: and in the same chapter thou mayest observe Nicanor threatening to burn up the Temple, and presently he first, and after, all his army

^t Ezra vi. 12.^u 1 Macc. vi.^x 1 Macc. i. [21, 22. vi.] 11. 12.^y 1 Macc. vii. 4.

is slain, not one escapeth; the head and right hand of Nicanor, which had been lifted up against the Temple^z, is cut off, and hung up towards Jerusalem. Heliodorus is sent to Jerusalem by Seleucus King of Asia, to take the treasure out of the Temple, and while in the Temple disposing the treasure, he is smitten of God, and ready to die, until Onias the High-priest, at the entreaty of friends, offers sacrifice for him, and obtains his life: and Heliodorus returns to the King, and declares what befel him; the King, yet thirsting for the money of the Temple, would send another, and demanding of Heliodorus whom, he answered, Thy enemy or a traitor^a; for if he escape with life, he shall be sure to be scourged: so certain is the punishment of sacrilege.

Calisthenes^b attempting to burn the Temple, set fire on the gates, and after is himself burnt by the Jews.

Lysimachus^c, called the Church robber, com-

^a 2 Macc. xv.

^a 2 Macc. iii.

^b 2 Macc. viii. 33.

^c 2 Macc. 4. 39. [&c.]

mits many sacrileges by the instigation of Menelaus; is slain by the treasury of the Temple^d, and his instigator^e, is by Antiochus put to a strange death. For in Berea was a tower fifty cubits high, full of ashes, with a round instrument that went down into the ashes, wherein they put sacrilegious persons, and Menalaus (saith the text) having committed sins against the Altar, whose fire and ashes are holy, receives his death by ashes, not having a burial in the earth.

Alcimus even in his act of sacrilege, while pulling down the Temple walls^f, is struck with a palsy and dies in torment.

Jason that burnt the porch, Demetrius and other sacrilegious persons, all fall under the single curse of one heathen; and dost thou think to escape so many curses of a Christian Church, which twice a year (being so directed by Parliament) curses the violators of Churches and Church liberties?

But if these judgments and examples cannot

^d 2 Macc. iv. 42.

^e 2 Macc. xiii. 5—8.

^f 1 Macc. ix. 55.

fright thy covetous soul from sacrilege, but thy desires of being rich sway thee, then let thy provident good husbandry so far prevail with thee, as not to meddle with God's and the Levite's portion, the Church patrimony; but even out of temporal and worldly respects for the good of thee, thy children, neighbours, and posterity, forbear (what pretences soever are made) the dissolving Bishoprics and Deaneries.

Remember that of all the specious pretences and large promises made both by Wolsey and Henry the Eighth upon their several dissolutions, not any one of them is performed; Wolsey neither settles his Colleges, nor Henry the Eighth ease his subjects of loans, taxes, and impropriations; maintains no soldiers for the defence of the Kingdom, nor disposes the lands as the statute directs, to the honour and pleasure of Almighty God: nor indeed to the profit of the Kingdom, if thou weighest the profit and conveniency the public had before, with what they have now; the burdens and charges that we have since groaned under, and

formerly not known; but that evil is only to be lamented not cured: may we happily prevent the like for the future!

The lands and revenue of Bishoprics and Deaneries, clogged with long leases under small rents, can give but little help to pay off the vast public debt; and that with greater damage to the Commonwealth, than the drain of private purses can be: for this only weakens particulars and for the present, that ruins generally and for ever: for the Priesthood is not with us (as with the Jews) entailed upon Aaron and his sons: but thine, mine, his, the sons of nobles, gentlemen, and peasants, while all alike able, are all alike interested in the Church's preferment, which in our nation is the sole spur, the only reward for learning; and happily provides for those, which otherwise would be burdens to their parent, mischiefs to the Kingdom: while Colleges, Bishoprics, and Deaneries, continue, thou and thy neighbour continuest thy lease at small rents, thy sons and grandchild renews *it* at easy fines, and by the accustomed charity

of thy Ecclesiastic landlord, thy continued lease, not clogged with liveries, primer seisins, and wardships, (the course of tenures,) equals, if not betters, an inheritance.

But Colleges, Bishoprics, and Deaneries dissolved, their lands and houses must be assigned (as were Monasteries and Impropriations) to this lord, or that courtier, or to that or this committee-man, and then thy rent (if thou beest continued tenant) must be racked to the highest rate, until thou art ruined by paying so great a rent, thy landlord, by receiving the Church revenue, and all we, while under the rod for the first, be guilty of a second national sacrilege; for shall we not believe this national war, and general ruin, to be for a general and national sin; which cannot be the acts of private and particular men, (though infinitely multiplied,) but must proceed from the acts of the universal nation, and such I know none, but that sacrilege of destroying some Churches, some Chapels, and robbing others of their Tithes and Endowments, which is not only connived at, but made lawful

by our Acts of Parliament^s, to which even every one in the whole Kingdom, by our own law, is said to be privy and consenting, and thereby guilty of the subsequent sacrilege? And then do thou judge, whether another act for dissolution (which God prevent) will not be a step to another national sacrilege, and that to another scourge; therefore if Hophni and Phineas have sinned, and Eli not reprov'd them, let them all three die, yea in one day, for we have text and precedent for that, but neither that the order should perish.

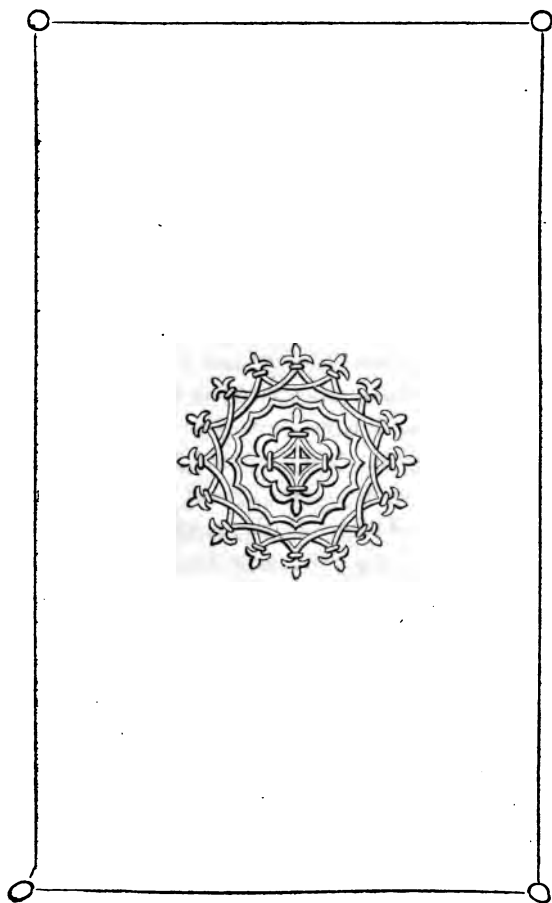
To conclude: Do thou consider, that while we detain Tithes from the Church, and forbid Aaron to counsel Moses, whether we trespass not upon the property and liberty of the Church; and shall not God visit for these things, when thou with thy sword maintainest against thy brother (if not against thy King) thy property of goods, and liberty of subjects? But that God may withdraw His visitations, and thou sheath thy sword, and the King receive the allegiance and tribute due from his subjects,

his subjects their protection and liberties from the King; may King and subjects agree to return God and His Church what is due to them, and may the first actor, in restoring God His right, be by God first restored to his own right!

Other things (and these more perfectly,) I would have observed to thee, had not London and Oxford, the Records and I, been at so great a distance. Let therefore thy goodness excuse, what is either omitted or mistaken by not viewing the Records; and for my other errors I beg thy pardon, as I would have done for meddling with this subject, fitter for a pulpit than my pen; but I have often heard it slighted from the Levite, as preaching his own profit, and therefore thought it might take better (though worse delivered) from a lay hand, no ways concerned by it, but in the general calamity of our Commonwealth. Farewell.

CLEM. SPELMAN.





APPENDIX TO PREFACE, p. 20.

*The manner of the Deaths of Hugh Faringdon, John
of Colchester, and Richard Whiting.*

Qui bona conscientia freti, nec spe nec metu, nec
minis et terroribus, nec pollicitationibus præmiisve in-
duci poterant, ut Ecclesiæ bona suæ fidei commissa sa-
crilegorum aviditati derelinquerent, soli tres inventi sunt
cænobiorum præfecti, aut si mavis Abbates, Joannes
videlicet Colcestrensis in Essexia siti: Hugo Farindo-
nus, ejus quod in locum sepulturæ Redingæ construx-
erat Rex Henricus primus, et Richardus Whitingus
Glastoniensis, Glastoniensis inquam, inter nobilissima
antiquissimaque totius Europæ Monasteria numerandi:
quippe a Josepho ab Arimathea primum conditi (sic
fertur) qui Christi Domini corpus sepelivit, et ibi postea
sepultus dicitur, ubi etiam præter aliquot Reges Saxon-
icos tumultatus jacuit Famigeratissimus ille Arthurus,
qui si præconem nactus fuisset virtutibus suis dignum,
inter heroum veterum clarissimos emicuisset. His
igitur omnibus (cum alia ratio non occurreret cupita
præda potiundi) imperatum, ut sine mora, Regem,
Ecclesiæ Anglicanæ caput juramento confirmarent:
atque detrectantes, tanquam perduelliones, ob læsam

APPENDIX TO PREFACE.

Majestatem ad mortem damnantur. Et Bechius quidem Colocestræ suspensus est, sicut Redingæ Farindonius, una cum duobus sacerdotibus Ruggo et Oniono, Whitingus autem, homo, et annosus, et ab ætate hebetior, se vix sentiens damnatum, a loco judicii (quod Welliæ institutum est in aula Episcopali, 4. ea milliaribus a Glastonia distat) rediens, cum Monasterium suum se repetere speraret, abreptus fertur derepente ad cacumen Torræ montis qui Glastoniæ imminet, et unde in subiectam circumquaque Regionem longe lateque prospectus patet. Ibi ne spatio quidem dato Ecclesiæ suæ valedicendi, quod efflagitabat misere, in patibulo ad id erecto suspensus interiit: non sine invidia quorundam quibus id negotii demandata erat, de quibus optime meritus Whitingus ferebatur. Cum illo eodem et tempore et loco duo Monachi idem supplicium subierunt, misero qui seni talis pertinaciæ suasores credebantur, Rogerus Jacobi et Joannes Thornus. Singulorum corporibus jam exanimatis cadita amputata, et trunci in quatuor partes dissecti sunt, quo ad portas oppidorum aut alia loca celebriora, suspenderentur. Paucorum poena adeo cæteros omnes conterruit, ut manus mox singuli dederint, et cœnobia sua resque omnes Regiæ voluntati permiserint.



De non temerandis Ecclesiis.

OF THE
RIGHTS AND RESPECT

DUE UNTO
THE CHURCH.



OF THE
RIGHTS AND RESPECT
DUE UNTO
THE CHURCH.



NSOMUCH as the rights and duties that belong to our Churches, are (in effect) contained under the name of a Rectory or Parsonage; I will first define what I conceive a Rectory or Parsonage to be, according to the usual form and manner thereof.

A RECTORY, WHAT IT IS.

A Rectory or Parsonage is a spiritual living^a, composed of Land, Tithe, and other Oblations^b

^a Plowd. Comment. in quare impedit per Grendon, &c.

^b Oblatio est omne quod exhibetur in cultu Dei, Thos. Aquinas 2nda. 2nda. quest. 85. 3. 3. And lands are so termed, Ezek. xlv. 1.

of the people, separate^c or dedicate to God in any congregation, for the service^d of His Church there, and for the maintenance of the governor or Minister thereof, to whose charge the same is committed.

By this definition it appears, that the ordinary Living or Revenue of a Parsonage, is of three sorts: the one in land, commonly called the Glebe; another in Tithe, which is a set and regular part of our goods rendered to God. The third, in other Offerings and Oblations bestowed upon God and His Church, by the

and Tithes, Num. xviii. 24. So also the Canonists and Civilians expound them, Concil. Aurel. c. 7. vide loc. apud Burchardum Episcopi Wormatiensis Decretorum, lib. iii. cap. 129, [omnia quæ Deo offeruntur consecrata habentur in vineis terris sylvis utensilibus vestimentis pecoribus et reliquis possessionibus et quæ Ecclesiis sine dubio Christo qui sponsus carum est offeruntur.] Urbani Papæ Epistola apud Burchardum lib. iii. cap. 143. [see Harduin Concil. i. Ipsæ enim res fidelium oblatione appellantur: quia Domino offeruntur. Non ergo debent in alios usus quam Ecclesiasticos et prædictorum Christianorum fratrum vel indigentium converti quia vota sunt fidelium et precia peccatorum atque ad prædictum opus explendum Domino traditæ.] lex Jurid. in verb. Oblatio.

^c Levit. xxvii. 28. [30.]

^d Touching divine worship, and works of charity.

people, either in such arbitable proportion as their own devotion moveth them, or as the laws or customs of particular places do require them.

TITHES, HOW DUE.

2. Though I invert order a little, I will first speak of Tithes, because it is God's ancient demesne, and the nobler part of this His inheritance; founded primarily upon the law of nature, (as the other be also after their manner.) For the law of nature teacheth us, that God is to be honoured; and that the honour due unto Him, cannot be performed without Ministers, nor the Ministers attend their function without maintenance. And therefore seeing God is the supreme Lord, and Possessor of all^e, and giveth all things unto us that we are maintained with; it is our duty, both in point of justice and gratuity, to render something back again unto Him, as acknowledging this His supremacy and bounty; as honouring Him for His goodness; as a tes-

* Gen. xiv. 19.

timony of the worship, love, and service we owe Him; and lastly, as a means whereby these duties and services may be performed to Him. This, I say, the very law of nature teacheth us to do, and this the law of God requireth also at our hands: but what the set portion of our goods should be, that thus we ought to render back unto God, I cannot say the law of nature^f hath determined that: but the wisdom of all the nations of the world, the practice of all ages, the example of the Patriarchs, Abraham^g and Jacob^h, the approbationⁱ and commandment of Almighty God Himself, and the constant resolution^k of His Church universally, hath taught and prescribed us to render unto Him the tenth part: and that this tenth part, or Tithe, being thus assigned unto Him, leaveth now to be of the nature of the other nine parts, (which

^f Yet there be divers natural reasons, that commend this number (for this purpose) above others.

^g Gen. xiv. 20.

^h Gen. xxviii. 22.

ⁱ Levit. xxvii. 30. 32. Deut. xii. 6. 11. Malachi iii. 10.

^k Declared by Fathers and Councils.

are given us for our worldly necessities,) and becometh as a thing dedicate and appropriate unto God. For it is said, Lev. xxvii. 30, "All the Tithe of the land, both of the seed of the ground, and of the fruit of the trees, is the Lord's:" yea, more than so, "it is holy unto the Lord," and again, ver. 32. "Every Tithe of bullock, and sheep, and of all that goeth under the rod, the tenth shall be holy unto the Lord." He saith, "holy unto the Lord," not that they were like the sanctified things of the Temple, which none might touch but the anointed Priests: but holy and separate from the use and injury of secular persons, and to be disposed only to, and for the peculiar service and peculiar servants of God. And therefore in the 28th verse, it is said, "to be separate from the common use, because it is separate, and set apart unto the Lord."

TITHES ORIGINALLY NOT LEVITICAL.

3. But some happily will say, that this use of Tithing rises out of the Levitical Law, and so ended with it. I answer, that it was re-

ceived and practised by Abraham and Jacob¹ divers hundred years before it came to the Levites. For it is said that Abraham gave Tithe to Melchisedec, Gen. xiv. 20, and that Levi himself paid Tithes also in the loins of Abraham, Heb. vii. 9. Melchisedec was the image of CHRIST, and His Church; Abraham of the congregation of the faithful. Therefore though Levi received Tithes afterward, by a particular grant from God, for the time; yet now he paid them generally with the congregation, in the loins of Abraham, unto the Priesthood of Christ, here personated by Melchisedec; which being perpetual, and an image of this of the Gospel, may well denote unto us, that this duty of Tithe, ought also to be perpetual. And therefore Chrysostom saith^m, that Abraham

¹ Jacob voweth to give Tithes, Gen. xxviii. 22. And Josephus sheweth he performed his vow. Antiq. lib. i. cap. 21. β.

^m Hom. 35. in Genesin. Δεχάτην αὐτῷ ἀφόρισεν ἀπὸ πάντων ὧν ἐπέφερετο, ἐντεῦθεν ἤδη διδάσκαλος ἅπασιν γενομένος πολλὴν ἐπιδείκνυσθαι εὐγνωμοσύνην, καὶ τὰς ἀπαρχὰς προσάγειν τῶν παρὰ τοῦ Θεοῦ ἡμῶν παρασχεθέντων.

herein was OUR tutor, not the tutor of the Jews. And insomuch as Abraham paid it not to a Priest, that offered a Levitical sacrifice of bullocks and goats, but to him that gave the elements of the Sacrament of the Gospel, Bread and Wine^a; it may also well intimate unto us, to what kind of Priest we are to pay our Tithes: namely, to him that ministereth unto us the Sacrament of Bread and Wine, which are only those of the Gospel, and not the Levitical Priests. So that our Tithe paid in this kind, cannot be said Levitical: as also for that the Levitical Tithes were only of things renewing^o and increasing: whereas Abraham and Jacob paid them of all; as if they had followed the commandment of the Apostle, "Let him that is taught in the Word, make him that hath taught him, partaker of ALL^p his goods."

^a The Scripture only mentioneth Bread and Wine to be given by Melchisedec to Abraham: but Josephus sheweth, that he gave him also many other rich gifts. Antiq. lib. i. c. 10.

^o Levit. xxvii. 30. 32.

^p Ἐν παντι ἀγαθοῖς. Gal. vi. 6.

God also requireth this duty of Tithe by His own mouth, as of old belonging to Him, before the Levites were called to the service of the Tabernacle, and before they were named in Scripture. For they are not named till Exod. xxxviii. 21. And it is said in Exod. xxii. 29, "Thine abundance of thy liquor shalt thou not keep back," meaning Tithes and first-fruits; and therefore Hierome doubteth not so to translate it, "Thy Tithes and first-fruits shalt thou not keep back." And in this manner of speech, the word "keep back," sheweth, that it was a thing formerly due unto God: for we cannot say, that any thing is kept back or withholden, that was not due before. Therefore we find no original commandment of giving Tithe unto God; but upon the first mentioning of them in Leviticus, they are positively declared to be His, as a part of His Crown, and ancient demesne; for it is there said, chap. xxvii. 30. "All the Tithe of the land is the Lord's." And Moses commandeth not the people a new thing, but declareth the right, that of old belonged to

God, namely, that "all the Tithes of the land were His."

Other phrases of Scripture do confirm this ; for afterward, when Tithes came to be assigned to the Levites, God doth not say, "The children of Israel shall give their Tithes to the Levites;" but He saith, "Behold, I have given them to the Levites^r." And continuing this His claim unto them, against those that many hundred years after disseized Him of them, He complaineth, "That they that withheld their Tithes from the Levites, spoiled Him Himself^s."

But having handled this argument more largely in a greater work, I will here close it up with opposing against these kinds of adversaries, not only the reverend authority of those ancient and most honourable pillars of the Church, St. Ambrose^t, St. Augustine^u,

^r Numb. xviii. 21. 24. 26.

^s Malachi iii. 8.

^t S. Ambros. Sermon. 24. De Quadragesima [8. 3. ed. Ben. printed as supposititious by the Benedict. editors.]

^u [S.] Augustine in Sermon. de Temp. [219. Sermon. 277. App. tom. v. 460. ed. Bened.—De reddendis Decimis, marked by the

St. Hierome^x, and St. Chrysostom^y, (who though they run violently with St. Paul against such ceremonies as they conceived to be Levitical; yet when they come to speak of Tithes, admit, maintain, and command the use thereof,) but also the resolution of many ancient Councils^z,

editors as supposititious.] et alias. [tom. 5. 61. Serm. ix. de Decem Chordis. Nisi abundaverit justitia vestra plus quam Scribarum et Phariseorum non intrabitis in regnum cœlorum, Ergo illi dant decimas tu si centesimam dederis aliquid magnum te fecisse gloriaris. Sermo 85. §. 5. Matt. xix. Erubescamus fratres, Decimas dabant pro quibus Christus nondum sanguinem fuderit . . . Sed tamen quid dixerit Vivus Qui pro nobis Mortuus est non tacebo, "Nisi abundaverit justitia vestra," &c.

* [S.] Hieronym. in Malacli iii. [quod de decimis primitiisque diximus, quæ olim dabantur a populo Sacerdotibus ac Levitis, in Ecclesiæ quoque populis intelligite quibus præceptum est, non solum decimas dare et primitias, sed et vendere omnia quæ habent et sequi Dominum Salvatorem.

† [S.] Chrysostom in Epist. ad Hebr. Hom. xii. et Hom. xxxv. in Gen. [vid. supr.] [In the following Councils it is presumed that the references are the same as in "the larger work on Tithes," cap. 20.]

‡ Concilium Romanum. iv. [sub. Damaso. anno 382. Labbæi. vol. ii. f. 1014. In actis Damasi papæ, quæ in ecclesiâ recitari solebant, habentur decreta Romani concilii hæc, ut decimæ atque primitiæ a fidelibus dentur, qui detrectant anathemate feriantur.—Concil. Aurelian. i. [can. 15. Harduin. et apud Ivo.] De his quæ ad Ecclesiam a parochianis offeruntur in terris, in vineis in mancipiis, in pecuniis: antiquorum canonum statuta

serventur: ut omnia in episcopi potestate consistant: De his autem quæ altaribus offeruntur tertia pars fideliter episcopis offeratur, duæ clericis. Decimæ autem secundum quosdam singulis annis tertia pars, aut in tertio tota. Sed tamen nos sequentes Romanos, singulis annis quartam partem, totum in quarto anno recipiant episcopi.—Tarraconense, sub. Hormisdâ. [c. 8. Hard. 9. Burchard lib. iii. 33. tertia ex omnibus per antiquam traditionem, ut accipiatur ab episcopis novimus statutum.] Mediomatricis. [c. 3. apud Burchardum, lib. iii. cap. 134. De decimis quas populus dare non vult, nisi quolibet munere ab eo redimantur, ab episcopis prohibendum est ne fiat.—Toletan. [Burchard. iii. 136. same as Aurelian sup.] Agrippinense, c. 6. [Burchard. iii. 135. Item quod decima, quæ a fidelibus datur, Dei census nuncupanda est, et ideo ex integro reddenda, cujus tertia pars secundum canonem Toletanum, episcoporum esse debet. Nos vero hæc potestate uti nolumus, sed tantum singulis annis quartam partem usu Romanorum pontificum et observantiâ sanctæ Ecclesiæ Romanæ de eadem habere volumus. Quod si quis contentiosus inde repertus fuerit sive clericus sive ille laicus sit, communione privabitur et synodali censura judicabitur.—Hispalense. [sub Gregorio. I. Anno 590. apud Ivonem, part. iii. caput 174. Ut unicuique Ecclesiæ mansus integer absque ullo servitio, attribuat. Omnis primitias et decimas tam de pecoribus quam de frugibus dives simul et pauper Ecclesiis suis recte offerat. Dicit enim dominus per prophetam, apportate omnem decimam in horreo meo, ut cibus sit servantibus in domo meâ. Omnes rusticus et artifex quisque de negotio, justam decimationem faciat. Sicut enim dominus omnia dedit, ita de omnibus decimam exigit: ut de fructibus agri, ita de nutrimento omni, ut de apibus, ita de melle: ut de agnis, ita de velleribus et caseis: ut de porcellis, ita de capris, de bubus, et equis, ut de minoribus, ita de majoribus exigimus et cæteris. Si quis autem hæc omnia non decimaverit, prædo Dei est, et fur et

and a multitude of other Fathers^a and Doctors of the Church in their several ages: all of

latro et maledicta quæ intulit Dominus Cain non recte dividenti congeruntur, de his vero omnibus nullus sit qui de sacerdotibus requirat census, vel aliquod servitium præter Ecclesiasticum.]—Matisconense, ii. [c. 5. Anno 583. Leges itaque divinæ, consulentes sacerdotibus ac ministris ecclesiarum, pro hæreditatis portione omni populo præceperunt decimas fructuum suorum locis sacris præstare, ut nullo labore impediti horis legitimis spiritalibus possint vacare ministeriis. Quas leges Christianorum congeries longis temporibus custodivit intemeratas: nunc autem paulatim prævaricatores legum pœne Christiani omnes ostenduntur, dum ea quæ divinitus sancita sunt adimplere negligunt. Unde statuimus ac decernimus ut mos antiquus a fidelibus reparetur, &c.]—Valentinum. sub Leone iv. [III. anno 855. cap. 10. Sed et decimas suas omnes fideles promptissime Deo offerant de omnibus quæ possident.]—Rotomagensis. [Synod. Generalis, anno 878.] cap. iii. [Omnes decimæ terræ, sive de frugibus sive de pomis arborum Domini sunt et illi sanctificantur.]—Cabilonense, [II. Anno 813. cap. 19. Quæsti sunt præterea quidam fratres quod essent quidam episcopi et abbates qui decimas non sinerent dari ecclesiis ubi illi coloni Missas audiunt proinde decrevit sacer iste conventus ut episcopi et abbates de agris et vineis quæ ad suum vel fratrum stipendium habent, decimas ad ecclesias deferri faciant, familiæ vero ubi dent decimas suas, ubi infantes eorum baptizantur, et ubi per totum anni circulum Missas audiunt.]—Moguntinum. [anno 847. can. 10. Admonendum tamen est, ut decima Deo omnino dari non negligatur, quas Deus ipse sibi dari constituit: quia timendum est, ut si quis Deo debitum suum abstrahit, ne forte Deus per peccatum suum auferat ei necessaria sua.]

^a Origen, Tertullian, Cyprian, Gregory, &c.

them concurring in opinion, that Tithes belong justly unto God; and many of them commanding all men even upon peril of their souls not to withhold them: which argument St. Augustine^b himself pathetically maintaineth, in a particular Sermon of his to this purpose. And though it be a great question among the learned, whether they be due *in quota parte jure divino*, (which requireth a larger discourse,) yet I never read of many that impugned them so absolutely. Lieutardus^c, who lived about 1000 years after Christ, taught the payment of them to be superfluous and idle; and then growing desperate, drowned himself, as it were to give us a badge of this doctrine.

OF OBLATIONS AND OFFERINGS.

4. Touching Oblations and Offerings: the Fathers under^d this name accounted all things, that were given or dedicated to the service of

^b See this Sermon in the end of this book.

^c Glaber Hist. lib ii. cap. 11.

^d Urban Epist. circiter annum Christi 227. [Harduin. t. 115.]

God. And in the first ages of the Christian religion, after the great persecutions, the Church by this means began so to abound in riches, that the good Emperors themselves^e were constrained to make laws (not unlike our statutes of Mortmain) to restrain the excess thereof, for fear of impoverishing their temporal estate. In those days, many Churches had treasuries for keeping these Oblations as the storehouses at Jerusalem, appointed by Hezekiah^f, for the Temple, but the succeeding ages contracted them into chests : and in these later times, the Parsons' pocket may well enough contain them. I shall not need therefore to spend many words in a small matter : for all the Oblations now in use, are in effect the twopenny Easter Offerings, and few other such like : which because the owners of Appropriate Parsonages shall not ignorantly convert into their own

^e Constantine and Valentinian made laws, that rich men, which were able to support the charge of the commonwealth, should not be admitted into Religious Houses, because their possessions and goods were thereby amortized.

^f 2 Chron. xxxi. 11.

benefit, I will shew them why they were paid, and why they have them.

St. Paul ordained in the Churches of Galatia and Corinth, that every one upon the Lord's Day should yield somewhat to God for the saints^g.

But this, being once a week came too thick and too often about. Therefore in Tertullian's^h time, the use was to do it monthly, and at last at pleasure. But it was ever the ancient use of the primitive Church, as appeareth by Justinⁱ and Cyprian, that all that come to the Holy Communion did according to their abilities, offer something of their substance to God, for charitable uses, and maintenance of the Ministers. Therefore Cyprian^k sharply taxeth a rich matron, that received the Communion, and offered nothing. *Locuples et dives et Dominicum celebrare te credis, quæ^l Corban omnino non respicis, &c.* "What,"

^g 1 Cor. xvi. 2.

^h Tertull. in Apologetico, c. 39.

ⁱ Justinus in Apol. 2. p. 98.

^k Sermone I. de Eleemosynis. [p. 203. Fell.]

^l He calleth the treasury Corban, of that at the Temple at Jerusalem.

saith he, "art thou able and rich; and dost thou think that thou celebratest the Lord's Supper, which bringest nothing to the treasury?" So Irenæus saith, "That it was the use of the Church through the world in his time, and received from the Apostles, to offer something of the blessings that they lived by, as the first-fruits thereof, to Him that gave these things unto them^m." Which Zanchiusⁿ understandeth to be meant of Offerings at the Communion, given to holy uses, and for relief of the poor of the Church: commending it for an excellent custom, and complaining that it is now discontinued. But to this end, and in imitation hereof, are our Easter and Communion offerings (as also those, at, and for Christenings, Burials, &c., which I will not now speak of) at this day made, and therefore

^m Novi Testamenti novam docuit (scil. Christus) oblationem, quam Ecclesia ab Apostolis accipiens in universo mundo offert Deo, ei qui alimenta nobis præstat primitias suorum munerum in Novo Testamento. [adv. Hær. V. 32. ad fin.]

ⁿ Vide Zanchium, lib. i. de cultu Dei externo. [vol. 4. c. 474. ed. 1613.]

OF PARSONAGE GLEBE LAND^d AND HOUSES. 107

let proprietaries consider with what conscience they can swallow and digest them.

OF GLEBE LAND AND HOUSES BELONGING TO
PARSONAGES.

5. Touching the land, glebe, and houses belonging to Parsonages, (which I would have called God's fixed inheritance but that I see it is moveable,) I cannot say that they are God's ancient demesnes, in the same form that Tithes are, and as our Clergy enjoyeth them ; but the warrant and ground thereof riseth out of the word of God, Who not only gives us a precedent thereof, when he appointed cities for the Levites to dwell in, with a convenient circuit of fields for the maintenance of their cattle^o, but commanded also the children of Israel, and in them all the nations of the world, that in division of their land, they should offer an oblation to the Lord, an holy portion of the land for the Priest to dwell on, and to build the House of God upon^p. So that the houses and

^o Numb. xxxv. 2, &c.

^p Ezek. xlv. 1. 4.

lands that our ancestors have dedicated to God in this manner, for the Churches and Ministers of this time, are now also His right and just inheritance, as well as those which the Israelites assigned for the house of God, and Levites of that time; and cometh upon the same reason, and in lieu thereof. But because it is uncertain, when and how they were brought into the Church, I will say something touching that point.

HOW LANDS COME TO THE CHURCHES.

In the time of the Apostles the use was, as appeareth Acts ii. 45, and iv. 34, 35, to sell their lands, and bring the money only, to the Apostles. For the Church being then in persecution, and the Apostles not to remain in any particular place, but to wander all over the world for preaching the Gospel; they could not possess immoveable inheritances, and therefore received only the money they were sold for, distributing it as occasion served. *But* after, when the Church obtained a little

rest, and began to be settled^a, it found much casualty in pecuniary contributions, and chose therefore rather to retain the lands themselves given for the maintenance of God's Priests and Ministers, than (by suffering the same to be sold) to furnish the time present with abundance, and leave the future time to hazard and uncertainty. Hereupon the Fathers in the Primitive Church^r, as well before Constantine, (as appeareth by his own edicts, and by Origen^s, Eusebius^t, and the epistles of Pius and Urban^u,) as after began to accept and retain the lands thus given, and to leave them over to their successors for a perpetual dowry

^a It appeareth by the Epistles of Pius and Urban, who lived about the year of Christ 230, that the Church of Rome had then begun to retain lands in this manner, upon this reason; and it may well be, for that Origen and Eusebius shew, that Churches had then possessions.

^r Edicta Constantini et Licinii Imp. Euseb. lib. x. c. 5.

^s Origen speaketh of the rents of the Church. Hom. 31. in Matt. [Opus habemus ut fideles simus pariter prudentes ad dispensandos Ecclesiæ redditus.]

^t Eusebius of an house belonging to the Church of Antioch, that Paulus Samosatenus in the time of Aurelianus the Emperor (about 30 years before Constantine) wrongfully invaded, lib. vii. c. 30.

^u Read the note (q) next afore.

of the Church. And this upon experience was found to be so godly, and worthy a course, that it not only received the applause of all succeeding ages, but commendeth for ever unto us their temperance, in desiring no more than for present necessity; their zeal for providing for posterity, and their great wisdom (or rather, prophetic spirit) which foresaw so long beforehand, that devotion, though it were at one time hot and fervent, yet at another it might be cold enough: and therefore when time served, they would by this means provide that the Church for ever, should have of her own, to maintain herself withal. Upon this ensued many godly provisions of endowment of Churches, and for annexing their livings so unto them, as neither the variety of time, nor the impiety of man (if it were possible,) should ever have divorced them, as appeareth by a multitude of ancient Councils, Canons, Statutes, and Decrees of the Church*,

* Synod. Rom. sub Symmacho 104. Episcoporum circiter A.C. 504. [Harduin] tota contra invasores Ecclesiarum. Concil. Aurelianens. 4. anno 543. [541, Harduin.] c. 19. [Quicumque

pro devotione suâ oblationis studio aliquid in campellis, vel in vineolis, etiam absque scripturâ probatur Ecclesiæ contulisse: si postmodum vel ipse, vel heredes ejus, quacunque occasione auferre a jure hoc ecclesiæ vel alienare voluerint, quoadusque a tali intentione discedant, aut perversa restituant, a communione ecclesiasticâ suspendantur.] and cap. 34.—Concil. Meldens. cap. 5, apud Burchard. lib. xi. cap. 16. [Ut pervasores rerum ecclesiasticarum qui easdem res contra auctoritatem non solum retinere, verum et crudeliter depopulari noscuntur quidam enim facultates Ecclesiæ in diversâ collaboratione et redditibus eas expoliant, sed et pauperes et vicinos et circummanentes immisericorditer affligunt, devastant, et opprimunt, ut rapaces qui secundum Apostolum a regno Dei excluduntur, ex criminali et publico peccato publicâ pœnitentiâ multentur. Quod si hoc agere noluerint, proferatur contra eos apostolica terribilisque sententia, qua dicitur, Si quis frater nominatur, et est rapax, cum hujusmodi nec cibum quisquam sumere præsumat: quia iniquum et sacrilegium est, ut Symmachus papa, et post eum beatus Gregorius, Sabino subdiacono scribit: Si quis quod venerabilibus locis relinquitur, pravæ voluntatis studiis, suis compendiis tentaverit retinere, secundum statuta canonum ab omni ecclesiastica communione ut sacrilegus debet arceri donec studeat digna satisfactione, quod admisit corrigere.]—Concil. Gangren. cap. 8, apud Burchard. lib. xi. c. 20. [Hic qui dederit vel acceperit oblationes altaris præter episcopum vel ejus missum, et qui dat et qui accipit anathema sit. *Εἴ τις διδοῖ ἢ λαμβάνοι καρποφορίαν παρεκτὸς τοῦ ἐπισκόπου ἢ τοῦ ἐπιτεταγμένου εἰς οἰκονομίαν εὐποιίας, καὶ ὁ διδούς, καὶ ὁ λαμβάνων ἀνάθεμα ἔστω.*] Concil. Mogunt. [Ann. 888. Harð.] cap. 3. [recites duty of civil power to protect the Church.] cap. 6. [recites Council of Orleans vid. supra.] cap. 7. [against disturbers of the inferior clergy,] et plurima alia.

Emperors^y, and Princes^z, to that purpose. Therefore whilst the world burned so with that sacred fire of devotion, towards the advancement of the glory of God: that every man desired to sanctify his hand in the building of Churches, lest such holy monuments for want of due maintenance should in process of time become either contemptible or unprofitable. It was at length ordained in ^a Aurel. Concil. 4. [An. 541. H.] cap. 33. and ^b Concil. Valentin. (An. 855.) cap. 9. That "whosoever builded a Church, should assign unto it a plough-land^c, furnished for the maintenance of the Parson thereof." By virtue of these Councils, as I take

^y See the two edicts of Constantine and Licinius Emp. Euseb. lib. x. cap. 5. And the laws of Constant. Theodos. Just. Carol. Magn. and many other.

^z To pass over foreign Princes, our own in former times have almost successively confirmed them.

^a Si quis in agro suo, aut habet, aut postulat habere dioccesim, primum et terras ei deputet sufficienter et Clericos: qui ibidem sua officia impleant, ut sacratis locis reverentia condigna tribuatur. Aur. Conc. c. 33. in Conc. tom. ii. Ubi nota quod diocesis accipitur pro libertate condendi oratoria vel Ecclesias, itaque in argumento hujus capituli oratorium exponitur.

^b Tom. Concil. I.

^c Coloniam [Colonicam, Hard.] vestitam.

it) were the founders of Churches in France first compelled to assure Livings to those Churches. And it was also provided by the third Council of Toledo^f in Spain, that no Bishop might consecrate any Church, till sufficient maintenance (which Chrysostom^g calleth the 'dowry of the bride') were assigned to it.

But because these were foreign, and Provincial Councils, not General: they bound not our country, otherwise than by doctrine and example. Therefore it was here decreed afterward, to the same effect in a Synod at London^h

^f Concil. Toletan. cap. 15. [19. Hard. Multi contra canonum constituta sic ecclesias quas edificaverint postulant consecrari: ut dotem quam eidem ecclesiæ contulerint, censeant ad Episcopi ordinationem non pertinere quod factum et in præteritum displicet et in futuro prohibetur: sed omnia secundum constitutionem antiquam ad episcopi ordinationem et potestatem pertineant.]

^g S. Chrysost. Hom. 18. in Acta. [§ 4. ὥσεὶ γυναῖκα ἀγαγὼν ἢ νύμφην ἢ δοῦς θυγατέρα οὕτω τῇ ἐκκλησίᾳ διάκεισο, προῖκα ἐπίδος αὐτῇ. Dotem ipsi largire.]

^h Synod Lond. c. 16. [17 Wilkins. Ne ecclesia sacretur donec provideantur necessaria et presbytero et ecclesiæ.] Antiq. Britan. cap. 34.

under Anselm Archbishop of Canterbury, Anno Domini 1102, 3 Hen. I. And though the laws of our Church began then first (as far as I yet can find) to constrain our countrymen to give endowments to the Churches that they builded; yet we were taught before (by the custom and example of our precedent ancestors, as well as by our duty out of the Word of God) to do the same: as appeareth by many precedents, whereof I will only allege one, but above others that most famous, of Ethelwulphus¹, King of West Saxony, who (in the year of our Lord 855) as Ingulphus²

¹ Alias Adulphus.

² Ingulphus, Hist. Croil. [p. 862. ed. Savile. Inclytus Rex Westsaxonum Ethelwulphus, cum de Roma, ut limina Apostolorum Petri et Pauli, ac sanctissimum ipsum Leonem multa devotione una cum juniore filio suo Alfredo peregre visitaverat, noviter revertisset, omnium praelatorum ac principum suorum, qui sub ipso variis provinciis totius Angliæ præerant, gratuito consensu tunc primo cum decimis omnium terrarum, ac bonorum aliorum sive cattalorum universam dotaverat Eccl. Anglicanam per suum regium chirographum confectum inde in hunc modum. Regnante Domino nostro in perpetuum, dum in nostris temporibus bellorum incendia, et direptiones opum nostrarum, nec non et vastantium crudelissimas hostium deprædationes barbararum paganarumque nationum, multiplices tribulationes ad alligendum nos pro peccatis nostris usque ad inter-

Saxo, and Simeon Dunelmens.¹ report, by the advice and agreement of all his Bishops and

necionem, tempora cernimus incumbere periculosa: quamobrem ego Ethelwulphus rex Westsaxonum cum consilio Episcoporum ac principum meorum consilium salubre atque uniforme remedium affirmantes, consensimus, ut aliquam portionem terrarum hereditariam antea possidentibus omnibus gradibus, sive famulis et famulabus Dei Deo servientibus, sive laicis miseris semper decimam mansionem, ubi minimum sit, tum decimam partem omnium bonorum in libertatem perpetuam donari sanctæ Ecclesiæ diiudicavi, ut sit tuta et munita ab omnibus secularibus servitutibus, imo regalibus tributis majoribus, et minoribus, sive taxationibus, quæ nos dicimus Winterden, sicque libera omnium rerum remissione animarum et peccatorum nostrorum ad servendum Deo soli, sine expeditione, et pontis extructione, et arcis munitione, ut eo diligentius pro nobis ad Deum sine cessatione preces fundant, quo eorum servitutem in aliqua parte levigamus. Acta sunt hæc apud Wintoniam in Ecclesia S. Petri, anno Dominicæ incarnationis 855. indictione 3. Nonas Novemb. ante majus altare pro honore gloriosæ Virginis, et Dei Genetricis Mariæ, sanctique Michaelis Archangeli, et beati Petri Apostolorum principis, nec non et beati patris nostri Gregorii pape, presentibus et subscribentibus Archiepiscopis et Episcopis Angliæ universis, nec non Beorredo Merciæ, et Edmundo Estranglorum rege, Abbatum, et Abbatissarum, Ducum, Comitum, procerumque totius terræ, aliorumque fidelium infinita multitudine, qui omnes regium chirographum laudaverunt, dignitates vero sua nomina subscripserunt. Rex vero Ethelwulphus pro firmitate ampliore obtulit hanc chartulam scriptam super altare sancti Petri Apostoli; et Episcopi pro fide Dei illam acceperunt, et per omnes Ecclesias postea transmiserunt in suis parochiis publicandam.]

¹ Sim. Dunelm. citat. Antiquit. Bræ. cap. xi.

Nobility, gave not only the Tithe of the goods, but the tenth^m part of the land through his kingdom for ever, to God and the Churches, free from all secular services, taxations, and impositions whatsoever: in which kind of religious magnificence, as our succeeding Kings have also abounded, so have they fromⁿ time to time, as well by Parliament laws, as by their Royal Charters, confirmed these and other the rights of the Church, with many solemn vows^o and imprecations against all that should ever attempt to violate the same. Therefore if these things had not been primarily due unto God by the rule of His word, yet are they now His, and separate from us, by the voluntary gift and dedication of our ancient Kings and predecessors: as was the tribute^p of a third part of a shekel, which Nehemiah and the Jews out of their free bounty covenanted yearly to give

^m Decimam mansionem ubi minimum sit.

ⁿ As appeareth in their severall laws, and namely, fifteen times in Edward the Third's reign.

^o See the Statute of 25 Edward I. in Rastal's Abridg. tit. Confirmat. 3. and Sententia lata super Chartas.

^p Nehem. x. 32.

unto God for the service of His House. For as St. Peter saith to Ananias, "Whilst these things remained, they appertained unto us, and were in our own power¹:" but now, when we have not only vowed them, but delivered them over into the hands and possession of Almighty God, (and that not for superstitious and idle orders, but merely for the maintenance of His public divine worship and the Ministers thereof,) they are not now arbitrable nor to be revoked by us, to the detriment of the Church.

CHURCHES AND THEIR LIVINGS DEDICATED
TO GOD.

6. Churches being erected and endowed, they and their livings were, as I say, dedicated unto God. First by the solemn vow and oblation of the founders, then by the solemn act of the Bishop, who, to separate these things from secular and profane employments, not only ratified the vow and oblation of the patron or founders, but consecrated

¹ Acts v. 4.

also the Church itself; using therein great devotion, many blessings, prayers, works of charity, and some ceremony, for sanctifying the same to Divine uses. Therefore also have the ancient Councils^r added many fearful curses against all such as should either violate it, or the rights thereof.

This Consecration, Mr. Perkins^s calleth a Dedication, but confesseth to have been in use in this manner, about the year of Christ 300. (which is within the time of the Primitive Church); only he admitteth not, that it was then performed with ceremony and the sign of the Cross; which here I will not stand upon, nor to shew the greater antiquity thereof, though I think it may well be proved. For Athanasius^t being in those days accused by the Arians, of ministering the Communion in a Church not consecrated, excused himself to

^r See the 6 Syn. Rom. of 104 Bishops (above 1000 years since) wholly against violators of Churches and Church rights. And see many to this purpose. Burchar. lib xi.

^s Demonstr. problem. tit. Templum, § 3.

^t In Epist. ad Constant. Imp.

have done it upon necessity. And "Theodoret reporteth, that Constantine (then likewise) commanded "all those that were at the Council of Tyrus, should come to *Ælia*^x: and that others should be assembled from all parts, for consecration of the Churches builded by him." Which sheweth it to be so notorious and general an use at that time, and to have such universal approbation, as it could not but have a root also from elder ages, though there cannot be many precedents found thereof: for that the Christians being then in persecution, might hardly build, or dedicate any Churches, but were constrained to use private houses, and solitary places for their assemblies; yet even those houses had, as it seemeth, some consecration, for they were most commonly called *ædes sacræ*^y, holy houses, and have left that name to this day, amongst us for our Churches, as a testimony

^x *Histor. suse lib. i. cap. 29. and Sozom. lib. ii. cap. 26. Niceph. lib. viii. cap. 50. Hist. Triper. lib. iii. fol. 331.*

^y Hierusalem καθιερωσαι consecrare.

^z Euseb. in orat. de laud. Constant.

of their sanctification, whereof I shall speak more anon. Eusebius^z also so saith, that "insomuch as the holy houses and Temples of that time were thus dedicated and consecrated unto God, the universal Lord of all; therefore they received His name, and were called in Greek *Κυριακά* (in Latin *Dominicæ*) the Lord's Houses: which name," saith he, "was not imposed upon them by man; but by Himself only, that is Lord of all." Of this word *Κυριακόν*, cometh the Saxon word *Cyric* or *Kyrk*: and (by adding a double aspiration to it) our usual word Chyrch or Church, as it were to put us ever in mind, Whose these Houses are: namely, the Lord's Houses: like that which Jacob dedicating unto God, called *Bethel*, that is "the House of God^a."

But both Church and Church-livings were thus solemnly delivered into God's possession, and therefore all ages, Councils and Fathers (that ever I yet have met with) account them holy and inviolable things. And hereupon they are termed, *Patrimonium Christi*, *Dos Ecclesiæ*,

^z Euseb. in orat. de laud. Constat.

^a Gen. xxviii. 22.

Dos sponsæ Christi, and *Sacrata possessio* or *Prædium sanctum*, “^bFor every thing that a man doth separate unto the Lord from the common use, whether it be man or beast, or land of his inheritance, it is *holy* to the Lord^c :” and in what sort I understand the word *holy*, I have before declared.

HOLY RIGHTS AND TEMPLES HOW RESPECTED
BY HEATHENS.

7. As then the law of nature primarily taught all nations in the world to give these things unto God; so the very same law also taught them that it was sacrilege and impiety to pull them back again; yea, the very heathen counted the things thus severed unto their gods, to be *sancta et inviolanda*. And St. Augustin expoundeth, *Sanctum illud esse, quod violare nefus est*, “it is execrable wickedness to violate that that is holy.” Pharaoh^d would not abridge the Priests of their diet, or land; no not in the great famine. The very barbarous

^b Chrys. Hom 18. in act. Concil. Mogunt. cap 7. [ap. Burchard. xi. 23.]

^c Lev. xxvii. 28.

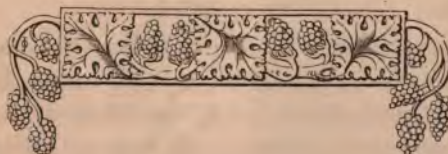
^d Gen. xlvii. 22.

nations of the world, even by the instinct of nature, abhorred this impiety. Diodorus Siculus^e noteth of the Gauls, that though they were a people, above all others most covetous of gold; yet having abundance thereof scattered in all parts of their Temples to the honour of their gods, none was found so wicked amongst them, as to meddle with any of it. I could allege a multitude of heathen stories to this purpose. But I will not weave the woollen yarn of the Gentiles, into the fine linen garments of the Christians; I mean, I will not mingle profane arguments, in a discourse of Christian piety. For the sheep that are of the fold of Christ, are tied only to hear His voice^f, and to follow that, which if they do not, they are thereby known to be goats, and not of His fold.

^e Biblioth. Hist. lib. v.

John x. 3.





HOW FEARFUL A THING IT IS TO VIOLATE
THE CHURCH.

8. The cause why I touched upon this one heathen example, is to aggravate the manifold sins of us Christians in this point. For if they that knew not God, were so zealous of the glory of their idols, how much more is it to our condemnation, if we that know Him do less regard Him? If it go hard with Tyre and Sidon in the day of judgment that sinned ignorantly; how much harder will it be with Corazin and Bethsaida that sin presumptuously; especially with Capernaum, that despiseth her Lord God and Master, Jesus Christ Himself? What is it to despise Him, if to rob Him of His honour be not to despise Him? Or what is it to rob Him of His honour, if to take from Him the things given Him for maintenance thereof, be not to rob Him?

Therefore when the children of Israel withheld their tithes and offerings from the Levites, He cried out in Malachi iii. 8. that "Himself was robbed and spoiled," and was so highly offended therewith that He cursed the whole nation for it. And to make this sin appear the more monstrous, He convinceth the offenders therein, not only to be violators of His legal Ordinances, but even of the very law of nature, written in the heart of every man. "For," saith he, "will any man spoil his Gods?" as if He should say: Can such a man be found, as will, or dares commit that sin, that all the nations of the world, even by the instinct of nature, account to be so horrible and impious? "to spoil his Gods, what his own Gods?" Some were found, that now and then adventured to spoil the Gods of other nations, yet not without punishment, but few or none that I read of, (till these latter days,) that spoiled their own Gods, in apparent and overt manner, as the lawyers term it. I account it not overt and apparent, when we do as Ananias and Sapphira did, pinch and detract from God, somewhat of that we vowed

to give: nor, when we do as the children of Israel here did, withhold that which we ought to pay out of our own goods, yet both these were heinous sinners, and dreadfully punished; but I call it overt and apparent, when we throw ourselves into a more dangerous sin, by invading openly the devotions of other men, and taking that from God and from His Church, as ^g Athalia did, which we never gave unto it, even the lands and livings thereof, yea, the Churches themselves.

DAVID'S ZEAL FOR THE HOUSE OF GOD.

9. Doubtless we have much to fear in this point: for as it is a transcendant sin, so David labouring to match it with a transcendant punishment, bestoweth a whole Psalm, viz. the eighty-third^h, in inveighing particularly against these kind of sinners, such expressly as "would take to themselves the Houses of

^g 2 Chron. xxiv. 7. [*i. e.* as her sons did.]

^h This Psalm is alleged to this purpose by Lucius (who was martyred about A.C. 255.) in his Epistle to the Bishops of Gallia and Spain. Tom Concil. 1. [marked by Harduin. as supposititious.]

God in possession:" for that only is the very centre of the Psalm, and therein do all the lines and projections of the Prophet's invectives concur. First, he maketh a flat opposition between God and them, and therefore calleth them his enemies. Then he describeth the nature of these kind of enemies, namely, that they are murmuring enemies, as grudging and envying at the prosperity of the Church: malicious enemies, as hating or hurting the service of God: proud enemies, as "lifting up their heads against Godⁱ:" crafty enemies, as imagining how to beguile the Church; conspiring enemies, as taking counsel together against God's "secret ones," as the Prophet calleth them; that is, God's servants and Ministers^k; and lastly, confederate enemies, as combining themselves one by example of another, to persevere in their course of wronging and violating the Church^l. Yet for all this, those against whom the Prophet thus inveigheth, did not that they desired. They discovered their malicious purpose by

ⁱ Verse 2.^k Verse 3.^l Verse 5.

word of mouth, saying, "Let us take to ourselves the Houses of God in possession." But they only said it, they did it not. Their will was good, but their power failed. Our will and power have both prevailed, for we have got the "Houses of God into our possession:" His Churches, His lands, His offerings, His holy rights: we have gotten them, and lead them away captive, bound in chains of iron; that is, so conveyed and assured unto us, by deed, by fine, by Act of Parliament, as if they never should return again unto the Church. But hear what David saith to those of his time. Mark how he prayeth for them. Mark what strange and exquisite punishments he designeth to them, and that in as many several sorts as there are several branches in this kind of sin.

First, he prayeth, that God would deal with them as he did with the Midianites^m. That is, that as Gideon by trumpets, and lamps, struck such a terror in the night-time into the hearts of the Midianites, that the whole army fell into confusion, drew their swords one upon

another, were discomfited, and 120 thousand of them slain. So that God by His trumpets, the preachers of His word; by His lamps, which is the light of the Gospel; would confound in like manner the enemies and spoilers of His Church, that sleep in the night of their sin; and that he would make them like "Oreb and Zeb, like Zeba and Salmana^b:" all which were strangely overthrown, died violent deaths, and being glorious Princes of their nations, became like the filthy and loathsome "dung of the earth^c."

But doth the Prophet stay here? No, he goeth on with them: "O my God," saith he, "make them like a wheel^d," that is, wavering and unstable in their actions, so as they may never bring their purposes to an end. Yea, make them abject and contemptible, "like the chaff that the wind scattereth from the face of the earth^e." Well is he now satisfied? No. All this doth but whet his spirits to sharper imprecations. He now desireth that the very flood-

^a Verse 11.

^b Verse 10. Judges vii. 25. and viii. 21.

^c Verse 13.

^d Verse 13.

gates of God's wrath may be broken open upon them, and that the tempest of His indignation may rage at full against them: now he crieth out to God to consume them without mercy, yea, and that in two terrible manners. One naturally, "as the fire burneth up the wood," the other miraculously, "as the flame consumeth the mountains^r:" "persecute them even so," (saith he) "with Thy tempest, and make them afraid with Thy storm. Make their faces ashamed, O Lord, that they may seek Thy Name. Let them be confounded and vexed ever more and more, let them be put to shame and perish^s." How should the wit of man discover and prosecute a sin in more vehement and horrible manner? or, what shall make us to abstain from such haughty sins, if all this prevail not? Well, if to take the houses of God into possession be thus, take them that will for me!

^r Verse 14.^s Verse 15—17.

THE ZEAL OF OUR SAVIOUR TO THE HOUSE OF GOD :
AND OF THE PARTS OF THE TEMPLE.

You see how David in this his sacred fury, was admirably carried against this sin. Well therefore might he say, "The zeal of Thy House hath eaten me up^t." Yet, he spake it not of himself alone, but in the person also of our Saviour Jesus Christ; Who in prosecution of David's zeal, did that in this case, that He never did at any time else in all His life. In all other cases He shewed Himself like the Paschal Lamb, that every body did eat, and devour at pleasure; and like the sheep that was dumb before the shearer, even when His very life was taken from Him. But when He saw the golden fleece to be taken from the House of God, that is, when He saw the Church His beloved Spouse, deprived and spoiled of the honour, reverence, duty, and ornament, that belonged to her; then, as David did, He grew into a sacred fury; He leaveth

^t Psalm lxi. 9.

the mildness of the Paschal Lamb, and taketh upon Him the fierceness of the lion of Judah. Then He beginneth to bestir Him, and to lay about Him: He whippeth out them that profaned it, driveth out their sheep, and their oxen, though they were for the sacrifice, and overthroweth the tables of the money-changers^u: He would by no means endure such trumpery to be in His Father's House, nor His Father's House to be made an house of merchandise; but, much less then, that merchandise should be made of His Father's House itself. O fearful and most inhuman sin! *horresco referens*.

But ere I depart from this place of Scripture, let me note one thing more of it, for the greater reverence of Churches: that although our Lord be here said, to have cast these things out of the Temple; yet in truth, they were not in the Temple itself, but in the outward court or yard thereof. For within the inward parts of the Temple, (namely, the first and second Tabernacles,) did no

^u John ii. 14; Matt. xxi. 12; Mark xi. 15; Luke xix. 45.

man enter, but the Levite Priests: and of them also, none into the second Tabernacle, but the High-priest^x. Therefore, although our Saviour Christ were a Priest for ever after the order of Melchisedec, yet because He was not a Priest of Levi, but of the tribe of Judah, of which tribe "Moses spake nothing touching the Priesthood^y," I take it, that He never ^zcame within these parts of the Temple, nor where the sacrifice was, but frequented only *Atrium populi*^a, the outward Court from the Temple. For into this only the ^b people resorted, to worship, pray, and hear the word of God expounded, not pressing farther towards the Temple; and in the midst whereof the brazen stage^c which Solomon

^x Exodus xxx. 10; Levit. xvi; Heb. ix. 2—7. ^y Heb. vii. 14.

^z Christ came to fulfil the Law not to break it, therefore doubtless He observed the rules thereof, and the quality of His tribe.

^a See the form of the Temple in Arias Montan. *Antiquitat. Judaic.* l. Ariel. and in the Geneva Bible, 1 Kings 6. and mark well both it and the notes upon it; for I find them above others most agreeable to the Scriptures: and rely not upon the figure of the Temple in Adricomius without good examination; for I perceive he hath misplaced some things therein.

^b See the note (z) among the notes aforesaid.

^c 2 Chron. vi. 13.

prayed upon was erected. Yet this very place, this court or outward yard, would not our Saviour permit to be profaned, neither with market matters, nor with carrying so much as a burden or vessel through it^d; for though it were not so Levitically holy as the Temple, yet it was dedicated to God with the Temple, and taken often in the New Testament for the Temple; as in the places before alleged, and Acts iii. 2, 3. By which reason, the very Church-yards themselves being dedicated with the Churches, and the principal soil thereof, as an old statute witnesseth, seem also to have in them a certain kind of sanctification, and are not therefore to be abused to secular and base employments; as not only the ancient Fathers, by the Canons of the Church, but the present laws of the land have well provided for them.

10. But some will say, that the sanctification of the Temple was Levitical, and therefore abolished, and not to be applied to our

^d Mark xi. 16.

* Stat. Ne Rectores prosternant arbores in cœmeterio.

THE ZEAL OF OUR SAVIOUR

Churches, I answer, The Temple was sanctified unto three functions, which also had three several places assigned to them^f. The first, belonged to the Divine Presence, and had the custody of the holiest Types thereof, the Oracle, the Ark, the Mercy-seat, &c. and was therefore called *Sanctum sanctorum*, or the Holiest of all. The second, was for ceremonial worship and atonement; namely, by sacrifice, oblations, and other Levitical rites, the place thereof being the sanctuary, wherein were the holy vessels, and the court of Priests, wherein the Altar of burnt-sacrifice did stand. The third, was for simple worship, prayer, and doctrine, without any pomp or ceremony: and the place of this was the outward court, called *Atrium populis*, and Solomon's Porch^h, which therefore had in it no ceremonial implement at all.

The two first of these functions, with the

^f More of the matter and how far the sanctification of the Temple is abolished, or remaineth to our Churches.

^g 2 Chron. iv. 9. and vi. 12.

^h Acts iii. 11.

places belonging to them, were indeed particularly appropriate to the Law. For they were Ceremonial, Mystical, Secret, Levitical, Judaical, and Temporal. Ceremonial, as celebrated with much worldly pomp. Mystical, as figurating some spiritual things. Secret, as either performed behind the veil or curtain, or else sequestered and remote from the people. Levitical, as committed only to the administration of that tribe. Judaical, as ordained only for the salvation of that people. And Temporal, as instituted only for a season, and not to continue. But the sanctification of the third function, and of the place thereto appointed, was directly contrary in all the points alleged to the former two. First, as I said before, it was for simple worship, prayer, and doctrine, which were there to be performed and delivered in all sincerity, without any ceremony or ceremonial implement used therein. Secondly, there was no matter of mystery therein to be seen; but whatsoever was mystical in the Law, or the Prophets, was there expounded. Thirdly, nothing there was

hidden or secret from the people, but acted wholly without the veil, and publicly for every man. Fourthly, it was not appropriate to the Levites, but common alike to all the tribes. Fifthly, not ordained for the Jews particularly, but for all nations in general. And lastly, not to endure for a time, as those other two of the Law, but to continue for ever : even after the Gentiles were called, as well as the Jews : that is, during the time of the Gospel, as well as the Law. Therefore saith God, by Esaias the Prophet¹, "My House shall be called an House of Prayer to all nations." He said not, "an House of Sacrifice to all nations:" for the Sacrifice ended before the calling of the Gentiles, and so they could have no part thereof. Nor an House of Prayer for the Jews only, for then had the Gentiles when they were called been likewise excluded ; but an "House of Prayer to all nations," that is, Jews and Gentiles indifferently, which therefore must have relation to the times of the Gospel : and consequently, the sanctification

¹ Isaiiah lvi. 7.

of that House, and of that function, is also a sanctification of the Churches of the Gospel.

We read not therefore, that Christ reformed any thing in the other two functions of the Temple, for they were now as at an end. But because this third function was for ever to continue to His Church, therefore He purgeth it of that that profaned it; restoreth it as He did marriage to the original sanctity; and that the future world, which was the time of the Gospel, might better observe it, than the precedent and the time of the Law had done, He reporteth and confirmeth the decree, whereby it was sanctified: "It is written" saith He, as producing the record and words of the foundation, "My House shall be called an House of Prayer to all people." He saith "My House," as excluding all other, from having any property therein; for God will be joint-tenant with no man. And it shall be, "an House of Prayer for all people:" that is, public for ever, not private, nor appropriate to any: not a "den of thieves:" that is, no place of merchandise, or secular business, as St. Hierome expoundeth

it. It must not be an impropriation; no man can, or may hold it in that kind.

The time also when our Saviour pronounced these words, is much to the purpose, as it seemeth to me. For it was after He had turned out the oxen and doves, that is, the things for Sacrifice. As though he thereby taught us, that when the sacrificial function of the Temple was ended, yet the sanctification thereof, to be an House of Prayer, for ever remained.

SAINT PAUL MAINTAINETH THE REVERENCE
OF THE CHURCH.

11. This doctrine of our Saviour, is continued unto us by St. Paul, who seeing the Corinthians to profane the Church with eating and drinking in it: though much good might follow thereby, being orderly done, as the increasing of amity, and the relief of the poor; yet because it was against the reverence of the place, he not only reproveth them for it, demanding if they had not houses to eat and drink in at home, but scaring them also, by *shewing* the danger they were fallen into, he

speaketh to them as with admiration, "Despise ye the Church of God ^k?" As if he should say, Is your religion now come unto that? or, Is that your religion, "to despise the place that God hath sanctified unto Himself?" by making it, as St. Hierome saith¹, *Triclinium epularum*, a banquetting house? God wondered at Malachi, that any should "spoil their gods:" and the Holy Ghost here wondereth, that any should "despise the material Church:" for so Saint Hierome expoundeth it. Thus both of them wonder at one and the same thing, that any man should be so irreligious, as to profane the reverence due unto God, and that that is His.

THE ZEAL OF THE FATHERS TO THE CHURCH.

12. So precise therefore were the ancient Fathers in this point, that that meek saint of God, St. Augustine, would by no means endure that any should use any clamours or dancing within the verge of the Church. Yea, he termeth them, "miserable and wretched

^k 1 Cor. xi. 22.¹ Comment. in 1 Cor. 11.

men that did it^m:" and denounceth against them, that "if such came Christians to the Church, they went Pagans home." But when the Church itself came to be abused, O, how St. Ambrose taketh it, even against the Emperor himself, great Valentinian, that required it for an Arian! "O," saith he, "let him ask that is mine, my lands, my goods, and whatsoever I possess, I will not deny them; yet are they not mine, but belong to the poor!" *Verum ea quæ Divina sunt*ⁿ, &c. saith he, "but those things that are God's, are not subject to the authority of the Emperor. If my lands, I say, be desired, enter them in God's Name; if my body, I will carry it him; if he will have me to prison, yea unto death, it pleaseth me well, I will not defend myself with multitude of people, neither will I fly to the Altar, desiring my life, but with all my heart will die for the Altars." And after, in speaking of the impious soldiers^o: "O that God," saith he, "would turn their hands from

^m Serm. de Temp. tom. 10. 234.

ⁿ Ad Marcellinam sororem; Epist. 33. [Epist. 20. ed. Ben.]

^o *In fine ejusdem Epist.*

violating the Church, and then let them turn all their weapons upon me, and take their fill of my blood!" And many such excellent speeches he hath for the sanctity of the Church, and of the reverence due unto it, in his oration, *De Basilicis tradendis*.

My purpose is to be short; I will not therefore now enter any further into the authorities of the Fathers, or meddle with the Councils and ancient Canons of the Church, which abound so in this kind of zeal, and have established it against the Eustathians, Messalians, and Fratricelli^p heretics, and all other the enemies thereof with so many examples, admonitions, exhortations, precepts, threatnings, curses, and excommunications, as it requireth a book alone to repeat them.

SACRILEGE NOT TO BE SUFFERED IN THE
LEAST THING.

13. It seemeth a small thing to dance in the Church-yard, or to eat and drink in the Church. But "sanctification," saith Hierome^q,

^p Heretics which contemned Churches.

^q Comment. in 1 Cor. xi. 22. tom. [5 Ben.]

speaking on this matter, "consisteth also even in the small things." Therefore Ecclesiasticus^r adviseth us, "that we give not the water passage, no not in a little." For he that openeth the waters but a little, knoweth not how great a breach they will make at length. So it is to make an entrance into sin, or to break the reverence of holy things in trifles.

Therefore God punisheth severely the petty offenders in this kind: not Corah only, and his company, that invaded the high function of the Priesthood, but even him that gathered the sticks on the Sabbath day^s. And poor Uzzah himself, whom David so much lamented, that, as it were, did but stay the Ark from shaking^t, and yet died for it, because his hand was not sanctified to that purpose.

AN ADMONITION TO THEM THAT MEDDLE
WITH HOLY THINGS.

14. I conclude this point with the saying of Solomon^u, and let all men consider it: "it

^r Eccles. xxv. 25.

^s Numb. xv. 34.

^t 2 Sam. vi. 6. and 1 Chron. xiii. 9.

^u Prov. xx. 25.

is a snare for a man to devour that which is sanctified, and after the vows to enquire." A snare hath three properties. First, to catch suddenly. Secondly, to hold surely. Thirdly, to destroy certainly. So was Uzzah taken ere he was aware: he did but touch the Ark, and presently he was caught. King Uziah did but meddle with the incense, and presently the "leprosy was on his face^x:" Jeroboam did but stretch out his hand against the Prophet, and presently it withered^y. And as a man falleth suddenly into it, so is it hard to get out. Uzzah died in it presently. Uziah languished in it all his life, and then died in it also. Corah, Dathan, and Abiram, were no sooner caught in this snare, but it held them so surely, as when all Israel else fled and escaped, they, and their companions, most miserable men, were detained in it to their notorious destruction.

I might here take just occasion to remember what hath happened to many in this kingdom, that became unfortunate after they had

^x 2 Chron. xxvi. 19.

^y 1 Kings xiii. 4.

meddled with Churches and Church-Livings. But I will run into no particulars: let those men, and those families, which are unfortunate, as we term them, consider, whether themselves, their fathers, or some of their ancestors, have not been fettered in this snare.

And let the Proprietaries of Parsonages also well consider these things. For if Uzzah died that did but touch the Ark to save it; what shall become of them that stretch out their hands against Churches to destroy them? If the stick gatherer was stoned for so small a profanation of the Sabbath; what shall they look for, that by destroying the Churches, destroy also the Sabbath itself, (in a manner,) as taking away the place appointed to the public sanctification thereof. And if Corah, Dathan, and Abiram, offended so heinously, in meddling with the things of the Levitical Priesthood, though they employed them to the service of God: what have they to fear, that usurp the things of the Gospel and pervert them wholly to their own use, from the service of God? Yea, that pollute His Churches and

Houses of Prayer to servile and base offices: leaving the parishioners uncertainly provided of Divine Service, to the destruction both of the Priesthood itself, and of the word of God in general.

A SURMISE ANSWERED.

15. But they will comfort themselves with this; that though the Churches be sanctified to some purpose, yet the sanctity thereof differeth from Levitical sanctification: and that God doth not now kill any from Heaven, for profaning the things of the Gospel, as He did then for profaning the things of the Law. I answer: The sanctity indeed of the one differeth from the sanctity of the other. For the Levitical things were sanctified by the hand of man, to be a matter of ceremony, but the Churches of the Gospel are sanctified by our Saviour Himself, to be Houses of Prayer. Not that prayer is to be used only in these places, but that these places are only to be used for prayer. And we must not presume that God sleepeth because He punisheth not

now, as He did of old, the contemners of His worship. For as the Law consisted in visible, and temporal things, so the punishments therein, were for the most part visible and temporal; but the Gospel concerneth things invisible and eternal, and therefore the punishments assigned therein, are for the most part invisible and eternal.

ANOTHER SURMISE ANSWERED.

16. They have also another comfort, and that is, that though these things were once spiritual, now they are made temporal by the laws of Dissolution; and especially by the Statute of 32 Hen. VIII. cap. 7. It is true, that those Statutes apply divers law-terms unto these things that properly belong to temporal inheritances; and that the Statute of 32 Hen. VIII. hath made them demandable by original writs, and hath given certain real actions, and other courses for recovering and conveying of them in temporal courts: because laymen could not in former times *have sued* for things of this nature in any

court of the kingdom. But this proveth not the things themselves to be therefore ^{Dissero non} temporal, no more than that an ^{asserō.}

Englishman is a Frenchman because he saileth in a French bottom. For upon the same reason the Statute giveth also other actions, for recovering of Tithes and Offerings withholden, &c. in the courts spiritual: they then, that out of the one part of the Statute will have them temporal, are by the other part enforced to confess them still spiritual, and so to make them like a Centaur, *prolem biformem*. It were very hard (in my understanding) to ground a point of so great consequence upon subtlety of words, and ambiguous implications, without any express letter of law to that purpose, especially, to make the Houses and Offerings of God temporal inheritances. But I see it is a law question in my Lord Dier^s whether Tithes be made Lay or Temporal, by any word in those Statutes. And therefore I must leave this point to my masters of the Law, who have the key of this knowledge only in their own

* Term. Pasch. An. 7. Edw. VI. Assize, fol. 83. b.

custody. Yet I think I may be so bold, as to say thus much out of their own books^a, that “a Statute directly against the law of God, is void.” If then Tithes be things spiritual, and due *de jure divino*, as many great Clerks^b, Doctors, Fathers, some Councils^c, and that ever honourable judge and oracle of Law, my Lord Coke himself, in the second part of his Reports^d affirm them to be: I cannot see how human laws should make them temporal. Of the same nature therefore that originally they were of, of the same nature do I still hold them to continue: for *manente subjecto, manet consecratio, manet dedicatio. Time, Place, and Persons*, do not change them, as I take it; in this case Nebuchodonozor^e took the holy

^a Doct. et Stud. cap. 6.

^b See August. Serm. 219. de Temp. Hostiens, and most Canonists.

^c Concil. Matisconense II. cap. 5. [Anno. 583. Quæ divinitus sancita sunt.] Concil. Mogunt. cap. 38. [Apud. Burchard. III. 131. decimas quas Deus ipse sibi dari constituit.] alias 10. &c.

^d *Dimeses sont choses spirituali and due*, de jure Divino. Le Evesque de Winch. case, fol. 45.

^e Nescio quo fato sit; ut eadem temporis periodo (viz. an. 68.) *post ereptas per Nebuc. et Hen. VIII. res templorum, stirps*

vessels of the Temple, he carried them to Babylon, he kept them there all his life, and at last left them to his son and grandchildren; but all this while, the vessels still remained holy. Yea though they were come into the hands of those that were not tied to the ceremonies of the Law, and at length into the hands of them that had them by a lawful succession from their fathers and grandfathers; yet as soon as they began to abuse them to profane uses, that very night Belshazzar himself died for it, the line of Nebuchodonozor (that took them from the Temple) was extinct, and the kingdom translated to another nation^f.

A THIRD SURMISE ANSWERED.

17. Happily also, Lay Approprietaries comfort themselves that they may hold these things by example of Colleges, Deans, and

utrisque regia extincta sit, imperium sublatum, et ad allam gentem devolutum. Ulterius igitur speremus, Cyrum nostrum Jacobum regem (qui scepra dissidentia compescuit) restitutionis etiam munus aliquando aggressurum.

^f Dan. v. 2.

Chapters, Bishops of the land, and of divers of our late Kings and Princes. Before I speak to this point, I take it by protestation, that I have no heart to make an apology for it. For I wish that every man might drink the water of his own well, eat the milk of his own flock, and live by the fruit of his own vineyard. I mean, that every member might attract no other nutriment, but that which is proper to itself. Yet are they greatly deceived, that draw any juice of encouragement from these examples. For all these are either the seminaries of the Church, or the husbandmen of the Church, or the Fathers and nurses of the Church: all *de familia Ecclesiæ*; and consequently, belonging to the care of the Church, and ought therefore to be sustained by it: for St. Paul saith, “he that provideth not for his own, and namely, for them of his household, he denieth the faith and is worse than an infidel.”^h Therefore before

^g 1 Tim. v. 8.

^h All Church revenues were at first paid to Bishops, and by them distributed to the Priests, poor, &c. after the Bishops were to have a fourth part of all Tithes. Per Concil. Aurelian. Mogunt.

the statutes of suppression of Abbeyes, those that were not merely ecclesiastical persons, yet if they were mixed, or had ecclesiastical jurisdiction, they might by the laws of the land, participate ecclesiastical Livings, and Tithes^b particularly. And this seemeth to take some ground out of the word of God. For the provincial Levites, as I may term them, whom ⁱDavid severed from the Temple,

Concil. Triburiense. [Anno. 895. can. 13. Hard. Quatuor fieri partes juxta canones judicamus de decimis et oblationibus fidelium, ut una sit episcopi, altera clericorum, tertia pauperum, quarta restorationi ecclesiarum servetur.] Concil. Hamnetense [cap. 6. apud Burchard. III. 138. Instruendi sunt presbyteri, pariterque admonendi, quatenus noverint decimas et oblationes quas a fidelibus accipiunt pauperum et hospitum et peregrinorum esse stipendia et non quasi suis sed quasi commendatis uti. De quibus omnibus sciant se rationem posituros in conspectu Dei, et nisi eas fideliter pauperibus et his qui præmissi sunt administraverint, damna passuros. Qualiter vero dispensari debeant, canones sancte instituunt. Scilicet, ut quatuor inde partes fiant una ad fabricam ecclesiæ relevandam, altera pauperibus distribuenda, tertia presbytero cum suis clericis habenda, quarta episcopo reservanda, ut quicquid exinde jusserit prudenti consilio fiat.] Et per Concil. Tarraconense. [Anno. 516. cap. 8.] the third part. [tertia ex omnibus per antiquam traditionem ut accipiat ab episcopis novimus statutum.]

ⁱ Plowd. in Quare imp. Grend. L. Coke Report. part. 5. fol. 15.

^b 1 Chron. xxvi. 30. 32.

and placed abroad in the country to be rulers of the people, "in matters pertaining to God, and the King's business," that is spiritually and temporally, had their portions of Tithes notwithstanding, as well as the other Levites that ministered in the Temple. Now, that the King is ¹*persona mixta*, endowed as well with ecclesiastical authority as with temporal, is not only a solid position of the common law of the land, but confirmed unto us by the continual practice of our ancient kings, ever since and before the conquest, even in the hottest times of Popish fervency. For this cause at their coronations, they are not only crowned with the diadem of the Kingdom, and girt with a sword of justice, to signify their temporal authority, but are anointed also with the ^moil of Priesthood, and clothed *Stola Sacerdotali*, and *veste Dalmatica*ⁿ, to demon-

¹ See Plowd. in Quar. Imp. Gren. et L. Coke de Jure Regis Eccl. part 5.

^m Reges sacro oleo uncti, sunt spiritualis jurisdictionis capaces 33 Edw. III. tit. Aide de Roy 103. Ex. Dom. Coke, Report, part 5.

ⁿ Dalmatica est vestis qua modo utuntur, omnes diaconi ex consuetudine in solennitatibus: ut 70. distin. de jejuniis. Anti-

strate this their ecclesiastical jurisdiction, whereby the King is said in the law to be *Supremus Ordinarius*, and in regard thereof, amongst other ecclesiastical rights, and prerogatives belonging unto him, is to have all the Tithes^o through the Kingdom, in places that are out of any parish, for some such there be, and namely, divers forests^p. But for all this, O that his Majesty would be pleased to remember Sion in this point!

THE DANGER THAT PROPRIETARIES OF PARSON-
AGES STAND IN.

18. ¶ I grow too tedious, yet before I close up this discourse, let me say one thing more to the Appropriaries of Churches, that happily they hitherto have not dreamed of. And that is, that by having these Parsonages they are charged with cure of souls; and make themselves subject to the burden that lieth so

quitus tamen, sine concessione Papæ, nec Episcopis, nec Diaconis licebat uti hac veste. Distinct. 23. cap. omnis filius.

* 22 Edw. III. lib. Assis. plac. 75. L. Coke, par. 5. fol. 15. a.

¶ As Inglewood &c ut patet a 18 Ed. I. inter petitiones coram domino Rege ad Parlamentum.

heavily upon the head of every Minister: to see the service of God performed, the people instructed, and the poor relieved. For to these three ends, and the maintenance of Ministers, were Parsonages instituted, as not only the Canons of the Church, but the books of the Law, and particularly the statutes of 15 R. II. cap. 6. and 4 Hen. IV. cap. 12. do manifestly testify. And no man may have them but to these purposes, neither were they otherwise in the hands of Monastical persons, nor otherwise given to the King by the statute of dissolution, than "in as large and ample manner as the governors of those religious houses had them^r," nor by him conveyed otherwise to the subjects. For *Nemo potest plus juris in alium transferre, quam ipse habet*^s: "no man may grant a greater right unto another,

^r See the extent of these words in L. Coke, part 2. fol. 49. And note also that Parsonages appropriate, are not mentioned in that Statute of 27 Hen. VIII. and the word Tithes, there seemeth to be meant of Tithes belonging to the bodies of the Monasteries; not of Parsonage Tithes. Ideo quare how the King had them before the Statute of 31 Regni Sui.

^s *Parson impersones.*

than he hath himself." And therefore go where they will *transeunt cum onere*, they carry their charge with them. Upon these reasons Proprietaries are still said to be Parsons of their Churches: and upon the matter, are as the Incumbents thereof[†], and the Churches by reason of this their incumbency are full, and not void. For otherwise the "Bishop might collate, or the King present a Clerk as to other Churches as it seemeth by the arguments of the Judges in the case between Grendon and the Bishop of Lincoln in Master Plowden's Comment, where is also shewed, that the Incumbency is a spiritual function^{*}, and ought not to be conferred upon any but spiritual persons, and such as they themselves do the Divine Service, and minister the Sacraments. Therefore Dier, L. Chief Justice of the Common

[†] For the Monastical Parsons and Prioresses themselves that could not perform Divine Service, were notwithstanding the Incumbents of their Churches: and Lay Appropriaries claiming under their right ought also to be subject to the same burdeus.

^{*} There is yet no express law made to take away the Bishops' jurisdictions over Churches appropriate, (that I can find.) Ideo quære how it extendeth.

^{*} See Dier. Trin. 36 Hen. VIII. fol. 58. pl. 8.

Pleas, there said that it was an horrible thing, when these Appropriations were made to Prioresses and houses of nuns; because that although they were religious persons, yet they could not minister the Sacraments and Divine Service. Implying by this speech of his, that it was much more horrible for laymen to hold them, that neither could do these holy rights, nor were so much as spiritual persons to give them colour for holding of spiritual things. Therefore he that enlarged the ^xterms of law first set forth by John Rastall also termeth it a wicked thing, complaining in his time that it continued so long, to the hindrance he saith "of learning, the impoverishing of the Ministry, and to the infamy of the Gospel, and professors thereof."

My Lord Coke also in the second part of his reports^y, saith, that it is recorded in history, that there were amongst others two greivous persecutions, the one under Dioclesian, the other under Julian, named the Apostate: for

^x Terms of the law in verbo Appropriation.

^y Levesque de Wenchester's case, fol. 44. b.

it is recorded, that the ²one of them intending to have rooted out all the professors and preachers of the word of God, *occidit omnes Presbyteros*. But this notwithstanding, religion flourished, for *Sanguis Matyrum est semen Ecclesiæ*: "The blood of the Martyrs is the seed of the Church;" and this was a cruel and grievous persecution, but the persecution under the other^a was more grievous and dangerous. *Quia*, as the history saith, *ipse occidit presbyterium*, "He destroyed the very order of Priesthood." For he robbed the Church, and spoiled spiritual persons of their revenues, and took all things from them whereof they should live. And upon this, in short time, ensued great ignorance of true religion, and the service of God, and thereby great decay of Christian profession. For none will apply themselves or their sons, or any other that they have in charge, to the study of Divinity, when after long and painful

^a Diocles. vide Eusebius Hist. Eccles. l. viii. c. 2. &c. see especially c. 5. Niceph. l. vii. cap. 3.

^a Jul. vide Theod. Hist. lib. iii. cap. 6. and Niceph. lib. 10. cap. 5.

study, they shall have nothing whereupon to live. Thus far my Lord Coke.

I allege these legal authorities, and leave Divinity, because the Appropriaries of Parsonages, which shield themselves under the target of the law, may see the opinion of the great lawyers of our own time and religion, and what the books of the law have of this matter, to the end, that we should not hang our consciences upon so dangerous a pin, nor put too great confidence in the equity of laws, which we daily see are full of imperfection, often amended, often altered, and often repealed. O! how lamentable then is the case of a poor Proprietary, that dying, thinketh of no other account, but of that touching his lay vocation, and then coming before the judgment-seat of Almighty God, must answer also for this spiritual function^b. First why he meddled with it, not being called unto it; then, why

^b It is said in my L. Dier. in the case of a common person, that the Service or a Cure is a spiritual administration, and cannot be leased, and that the service is not issuing out of the Parsonage but annexed unto the person. 36 Hen. VIII. fol. 58. b. pla. 8.

“meddling with it he did not the duty that belonged unto it, in seeing the Church carefully served, the Ministers thereof sufficiently maintained, and the poor of the parish faithfully relieved. This I say, is the use whereto Parsonages were given, and of this use we had notice before we purchased them: and therefore, not only by the laws of God and the Church, but by the law of the land, and the rules of the Chancery at this day observed in other cases, we ought to hold them to this use and no other.

THAT IT IS NOT BENEVOLENCE BUT DUTY TO
RESTORE CHURCH LIVINGS.

19. ^dIt is not then a work of bounty and benevolence to restore those Appropriations to the Church, but of duty and necessity so to do; it is a work of duty to give that “unto God

* Proprietaries which have Vicars endowed, think themselves thereby discharged, but though the Vicar be the Parson's deputy to do the Divine Service, yet a superior care thereof resteth still upon the Parson himself, and the surplusage of the profits belongeth to the poor, as appeareth by the whole body of Fathers, Doctors, Councils, &c.

that is God's^e." And it is a work of necessity towards the obtaining remission of these sins. For St. Austin saith^f, *non remittetur peccatum, nisi restituatur ablatum cum restitui potest*: "the sin shall not be forgiven, without restoring of that which is taken away, if it may be restored."

It is duty, justice, and necessity, to give them back unto God. For if Judas, who was the first precedent of this sin, were a thief, as the Holy Ghost^g termeth him, for embezzling that which was committed unto him for the maintenance of Christ and His disciples, that is of the Church: by the same reason, must it also be thievery to withhold these things which were given for the maintenance of the Church and Ministers of Christ. And herein it is a degree above that sin of Judas, as robbery is above theft, for Judas only detained the money delivered unto him closely and secretly, but we and our fathers have invaded Church Livings, and taken them as it were by assault

^e Matt. xxii. 21.

^f Ad Macedonium, Ep. 54. [153.] tom. ii.

^g John xii. 6.

even from the sacred body and person of the Church.

It is a great sin to steal from our neighbour; much greater (even sacrilege) to steal from God. If it were so heinous a fact in Ananias, to withhold part of his own goods, which he pretended he would give unto God, how much more is it in us, presumptuously to reave that from God that others have already dedicated and delivered unto Him? Solomon saith, "He that robbeth his father and his mother, and saith it is no sin, is the companion of [a murderer, or] him that destroyeth^h." But he that purloineth the things of God, robbeth his Father, and he that purloineth the things of the Church, robbeth his mother. And therefore that man is a companion of the destroyer.

The ⁱFathers, Doctors, many great Councils,

^h Prov. xxviii. 24.

ⁱ Synod. V. Rom. 218. Episcop. An. 503. [Antiquitus decretum est: omnes possessiones, et omnia sibi sublata, atque fructus cunctos, ante contestatam litem perceptos aut primas possessori restituat. Et alibi scriptum habetur: Ille qui violentiam pertulit, universa in statu, quo fuerant recipiat; et quæ possidet securus teneat. Et alibi in synodalibus patrum decretis, et

and ancient Laws of the Church, command that things taken from the Church, should be

regum edictis legitur statutum: Redintegranda sunt omnia exspoliatis vel ejectis episcopis, præsentialiter ordinatione pontificum, et in eorum unde abscesserunt potestatem funditus revocanda; quacunque conditione temporis, aut dolo, aut captivitate, aut virtute majorum, aut per quascunque injustas causas res ecclesiæ, vel proprias, aut substantias suas perdidisse noscuntur ante accusationem, aut regularem ad synodum convocationem eorum, et reliqua. Est etiam in antiquis ecclesiæ statutis decretum, ut qui aliena invadit non exeat impunitus, sed cum multiplicatione omnia restituat. Unde et in evangelio scriptum est: "Quod si aliquid defraudavi, reddo quadruplum." Et in legibus sæculi cautum habetur; "Qui rem subripit alienam, illi cujus res direpta est, in undecuplum, quæ sublata sunt restituat." Et in lege divinâ legitur "MALEDICTUS OMNIS QUI TRANSFERT TERMINOS PROXIMI SUI: ET DICET OMNIS POPULUS," AMEN.] Concil. Valentinum. Anno 855. can. 10. Concil. Roman. 100. Episcoporum Anno 1063. Concil. Roman. V. Anno 1078. [Decimas, quas in usum pietatis concessas esse canonica auctoritas demonstrat, a laicis possideri Apostolica auctoritate prohibemus: sive enim ab episcopis, vel regibus, vel quibuscumque personis, eas acceperint, nisi ecclesiæ reddiderint, sciant se sacrilegii crimen committere, et æternæ damnationis periculum incurrere.] Concil. Palatinum. Ann. 1388. Concil. Oxon. Generale. Aug. Anno 1222. [can. 29. De alienatione possessionum ecclesiasticarum. Ecclesiarum autem indemnitatibus consulere cupientes, præsentis concilii auctoritate duximus statuendum, ut nullus abbas, nullus prior, nullus [omnino] decanus, vel archidiaconus, vel alium habens personatum vel dignitatem, sed nec clericus inferior possessiones vel redditus

restored. And the Church by her ^kPreachers and Ministers continually entreateth, urgeth, and requireth all men to do it. They therefore that do it not, they refuse to hear the Church: and then our Saviour Christ, by His own mouth, denounceth them ¹to be as Heathens and Publicans, that is, excommunicate and profane persons. "If he refuseth (saith our Saviour) to hear the Church also, let

dignitatis vel ecclesiæ sibi commissæ, consanguineis vel amicis suis, vel quibuscunque aliis vendere, impignorare, infeodare de novo vel quolibet modo alienare præsumat, nisi formâ canonis observatâ. Si quis vero contra hoc venire præsumperit, quod in hac parte præsumptum fuerit, viribus careat, ut præsumptor dignitate, personatu, vel ecclesiæ, quam sic læsit, per suum superiorem spoliatur; nisi quod alienaverit infra tempus breve a suo superiore sibi præfixum, sine damno ecclesiæ suis sumptibus duxerit revocandum. Is quoque, qui sic ecclesiastica bona de cætero receperit, et commonitus ea præsumperit retinere, excommunicationis sententia percussatur donec ea restituerit, nullatenus absolvendus. Idem etiam prælati majores observent.]

^k Strange change! the Israelites gave their own goods, so abundantly to the service of God, that Moses was forced to restrain them by proclamation, Exod. xxxvi. 5.; but now nothing can move us to give God that which is His already.

¹ Qui sub nomine fidelium agunt opera infidelium. Hieron. Ibid.

him be unto thee as a Heathen man, and a Publican^m."

It is a fearful thing not to hear theⁿ Church, but much more, not to hear Christ Himself: Christ hath given us a perpetual Law and Commandment, touching things belonging to God, "That we should give them to God." If we break this Law, we break a greater Law than that of the Medes and the Persians^o: and therefore mark what the Holy Ghost concludeth upon us; "Every person that shall not hear this Prophet (Christ Jesus) shall be destroyed out of the people^p."

THE CONCLUSION.

20. To conclude then, as the Philistines made haste to send home the Ark of God^q, and the Egyptians to rid themselves of the^r people of God; so let us ply ourselves to render

^m Matt. xviii. 17.

ⁿ We think the Church doth not command it, till we make a Parliament law for it, but the law is made already by Christ Himself.

^o Dan. vi. 16.

^q 1 Sam. v. 11.

^p Acts iii. 23.

^r Exod. xii. 33.

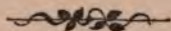
unto God His lands and possessions with all speed. Otherwise, as He struck the Philistines with emerods secretly, and the Egyptians with manifold scourges openly; so only Himself knoweth what He determineth against us.

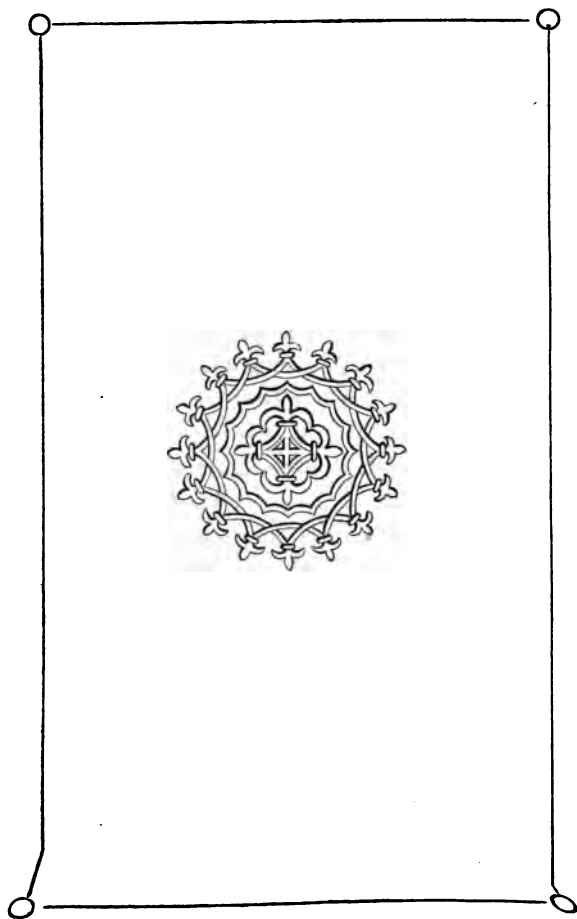
And thus I end, with the saying of the blessed St. Cyprian*, *Nec teneri jam, nec amari Patrimonium debet, quo quis et deceptus et victus est.* "We must now neither hold that Patrimony, or Living; (no) nor so much as take pleasure therein, whereby a man is entrapped and brought to destruction." And with that other of the noble St. Augustine†; "With what face canst thou expect an inheritance from Christ in Heaven, that defraudest Christ in thy inheritance here on earth? Therefore, "Give unto Cæsar the things that are Cæsar's, and unto God the things that are God's".‡

* Cypr. Ser. 5. de Laps. in fine.

† Lib. de Her. cit. per. Isid.

‡ Mark xii. 17.







AN EPILOGUE.

PARDON me, good reader, though I have neither satisfied thee nor myself, in this little discourse. It is hard to bring a great vessel into a small creek, an argument of many heads and branches, of much weight, variety, and difficulty, into a few pages. It may be thou thinkest the volume big enough for the success that books of this nature are like to have. I reject not thy judgment, yet would I not have others thereby discouraged from pursuing this cause: for though "Peter fished all night and got nothing^x," yet he made a great draught unlooked for in the morning. He that directed that net, give a blessing to all our labours. For my own part (if I catch but one fish) I

^x Luke v. 5, 6.

shall think mine well bestowed. Howsoever, it shall content me, and I thank God for it, that He hath girded me with so much strength as to strike one stroke (though a weak one) in His battle, and to cast one stone (though a small one) against the adversaries of His Church.

Some will say, I have used too much salt and vinegar in this discourse, and that I have bent the great artillery of God's judgments and threatenings upon a piece of too light importance. I would the consciences of men were such as oil and butter might supple them. But I see they are for the most part overgrown with so hard a carnosity, as it requireth strong and potent corrosives to make an entrance into them. A Preacher may shake them now and then with a Sermon, as ^y Paul did Felix, but when the thunder and lightning are ceased, they are (like Pharaoh) still where they were. Yea some have *conscientias cauteriatas*, as the ^z Apostle termeth them, "consciencies seared with an hot iron:" so stupified, that dead Lazarus

^y Acts xxiv. 25.

^z 1 Tim. iv. 2.

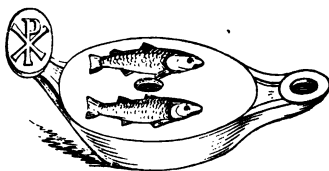
may be raised, before they can be moved. "But God knoweth the heart of man, and bringeth water out of the hard rock;" therefore though I have spoken this (as being jealous of the cause) yet in charity I will hope better even of the hardest of them. Only let no man think it a light sin, to keep open the passage, whereby the wild boar^a (of barbarism) enters the Lord's vineyard, and whereby God is deprived of the honour due to His Name.

Now at the parting, it may be thou desirest to know what success this my labour had with the gentleman to whom I sent it. In truth, neither that I desired, nor that which I promised unto myself. For (so it pleased God) that even the very day^b the messenger brought it into Norfolk, the party died. Otherwise I well hoped, not to have shot this arrow in vain. But because it then missed the mark at which it was sent, (and many thought not fit to loose it,) I have now let it fly at random with some notes and alterations, as the difference between private and public things requireth: but still

^a Psalm lxxx. 13; xcvi. [v. 8.]

^b August 16, 1613.

desiring that I might farther have shewed my mind in many passages hereof, (and particularly touching Tithes in quoto, and such Parsonages as have Vicarages well endowed) which without making it almost a new work, I could not do : and therefore resting upon thy courteous interpretation, I leave it to thee (for this time) as it is.





A

SERMON OF ST. AUGUSTINE'S

TOUCHING RENDERING OF TITHES.

The occasion of this Sermon or Homily was ministered unto him by the time of the year, it being the twelfth Sunday after Trinity, that is about the beginning of harvest. The Scripture that he fitteth unto it is the eighteenth of Luke, where the Pharisee boasteth of his precise justice in payment of Tithes. It is 219 Sermon de Tempore, extant in the tenth tome of his works, and there entitled,

De Reddendis Decimis.

By the mercy of Christ (most beloved brethren) the days are now at hand, wherein we are to reap the fruits of the earth: and therefore giving thanks to God that bestoweth them, let us be mindful to offer, or rather to

render back unto Him the Tithes thereof^b. For God that vouchsafeth to give us the whole, vouchsafeth also to require back again the tenth, not for His own, but for our benefit doubtless. For so hath He promised by His Prophet, saying, "Bring all the Tithe into My barn, that there may be meat in My house, and try Me, saith the Lord, in this point, if I open not the windows of Heaven unto you, and give you fruit without measure^c." Lo, we have proved how Tithes are more profitable unto us than to God. "O foolish men!" What hurt doth God command, that He should not deserve to be heard? for He saith thus: "The first-fruits of thy threshing-floor, and of thy wine-press thou shalt not delay to offer unto Me^d." If it be a sin to delay the giving, how much worse is it not to give at all^e? And again He saith, "Honour the Lord thy God with thy just labours, and offer unto Him of the fruits of thy

^b Decr. II. 16. quæst. 1. cap. Decimæ. Where you may see a great part of this Sermon cited for Augustine's.

^c Mal. iii. 10.

^d Exod. xxii. 29.

^e 16 Quæst. 1. cap. decimæ.

righteousness, that thy barns may be filled with wheat, and thy presses abound with wine^f." Thou dost not this for God's ha' mercy, that by and by shalt receive it again with manifold increase. Perhaps thou wilt ask, Who shall have profit by that which God receiveth, to give presently back again? And also thou wilt ask, Who shall have profit by that which is given to the poor? If thou believest, thyself shall have profit by it; but if thou doubttest, then thou hast lost it.

Tithes (dear brethren) are a tribute due unto the needy souls. Give therefore this tribute unto the poor, offer this sacrifice unto the Priests. If thou hast no Tithes of earthly fruits, yet whatsoever the husbandman hath, whatsoever art sustaineth thee, it is God's, and He requires Tithe out of whatsoever thou livest by; whether it be warfare, or traffic, or any other trade, give Him the Tithe. Some things we must pay for the ground we live on, and something for the use of our life itself. Yield it therefore unto Him (O man)

^f Prov. iii. 9.

in regard of that which thou possessest; yield it, I say, unto Him, because He hath given thee thy birth: for thus saith the Lord, "Every man shall give the redemption of his soul^g," and there shall not be amongst them any diseases or mishaps. Behold, thou hast in the Holy Scripture the cautions of the Lord upon which He hath promised thee, that if thou give Him thy Tithe, thou shalt not only receive abundance of fruits, but health also of body. "Thy barns(saith He)shall be filled with wheat, and thy presses shall abound with wine^h," and there shall be in them neither diseases nor mishaps. Seeing then, by payment of Tithes, thou mayest gain to thyself both earthly and Heavenly rewards, why doest thou defraud thyself of both these blessings together? Hear therefore, (O thou zealous mortality,) ⁱthou knowest that all things that thou usest are the Lord's, and canst thou find in thy heart, to lend Him (that made all things) nothing back of His own? The Lord God

^g Exod. xxx. 12.

^h Prov. iii. 8—10.

ⁱ 16 Quæst. 1. decimæ.

needeth not any thing, neither demandeth He a reward of thee, but honour; He urgeth thee not to render any thing that is thine, and not His. It pleaseth Him to require the first-fruits, and the Tithes of thy goods, and canst thou deny them, O covetous wretch? What wouldest thou do, if He took all the nine parts to Himself, and left thee the tenth only? And this in truth He doth, when by withholding His blessing of rain, the drought maketh thy thirsty harvest to wither away: and when thy fruit, and thy vineyard are stricken with hail, or blasted with frost, where now is the plenty that thou so covetously didst reckon upon? The nine parts are taken from thee, because thou wouldest not give Him the tenth. That remains only that thou refusest to give, though the Lord required it. For this is a most just course, that the Lord holdeth, "If thou wilt not give Him the tenth, He will turn thee to the tenth^k." For it is written, saith the Lord, "Insomuch as the Tithe of your ground, the first-fruits of your

^k 16 Quest. 1. cap. decimar.

land are with you : I have seen it, but you thought to deceive Me : havoc and spoil shall be in your treasury, and in your houses." Thus thou shalt give that to the unmerciful soldier which thou wouldest not give to the Priest.

The Lord Almighty also saith, "Turn unto Me, that I may open unto you the windows of Heaven, and that I may pour down My blessing upon you ; and I will not destroy the fruit of your land, neither shall the vines of your field, [or the trees of your orchards] wither away, [or be blasted] and all nations shall say, that you are a blessed people¹." God is always ready to give His blessings, but the perverseness of man always hindereth Him. For he would have God give him all things, and he will offer unto God nothing of that, whereof himself seemeth to be the owner. ^mWhat if God should say, The man that I made is Mine ; the ground that thou tillest is

¹ Mal. iii. 10, 11.

^m This place is cited as out of Aug. Conc. Triburiens. c. 13. An. 895. and before that in Concil. Mogunt. pri. c. 8. An. 847.

Mine; the seed that thou sowest, is Mine; the cattle that thou weariest in thy work, are Mine; the showers, the rain, and the gentle winds, are Mine; the heat of the sun is Mine: and since all the elements, whereby thou livest, are Mine, thou that lendest only thy hand, deservest only the Tithe, or tenth part. Yet because Almighty God doth mercifully feed us, He bestoweth upon the labourer a most liberal reward for his pains, and reserving only the tenth part unto Himself, hath forgiven us all the rest.

Ingrateful and perfidious deceiver, I speak to thee in the word of the Lord. Behold the year is now ended: give unto the Lord (that giveth the rain) His reward. Redeem thyself, O man, whilst thou livest. Redeem thou thyself whilst thou mayest. Redeem thyself (I say) whilst thou hast wherewith in thy hands. Redeem thyself, lest if greedy death prevent thee, thou then lose both life and reward together. Thou hast no reason to commit this matter over to thy wife, who happily will have another husband. Neither hast thou <O

woman) any reason to leave this to thy husband, for his mind is on another wife. It is in vain to tie thy parents, or thy kinsfolk, to have care hereof: no man after thy death surely shall redeem thee, because in thy life thou wouldest not redeem thyself. Now then, cast the burden of covetousness from thy shoulders, despise that cruel lady, who pressing thee down with her intolerable yoke, suffereth thee not to receive the yoke of Christ. For as the yoke of covetousness presseth men down unto hell, so the yoke of Christ raiseth men up unto Heaven. ⁿFor Tithes are required as a debt, and he that will not give them, invadeth another man's goods. And let him look to it, for how many men soever die for hunger in the place where he liveth, (not paying his Tithes,) of the murdering of so many men shall he appear guilty before the tribunal-seat of the eternal Judge because he kept them back to his own use that was committed to him by the Lord for the poor.

ⁿ 16 Quæst. 1. cap. decimæ.

He therefore that either desireth to gain a reward, or to obtain^o a remission of his sins, let him pay his Tithe, and be careful to give alms to the poor out of the other nine parts; but so notwithstanding, that whatsoever remaineth over and above moderate diet, and convenient apparel, be not bestowed in riot and carnal pleasure, but laid up in the treasury of Heaven, by way of alms to the poor. For whatsoever God hath given unto us more than we have need of, He hath not given it unto us particularly, but hath committed it over unto us to be distributed unto others: which if we dispose not accordingly, we spoil and rob them thereof. Thus far St. Augustine.

Erasmus in a general censure of these Sermons *de Tempore*, noteth many of them not to be St. Augustine's. So also doth Master Perkins, and divers other learned men, who having examined them all particularly, and with great advisement, rejecting those that appeared to be adulterate or suspected, admit this notwithstanding as undoubted. And al-

^o Promereri.

though Bellarmine seemeth to make a little question of it^p, yet he concludeth it to be, without doubt, an excellent work; and either St. Augustine's own, or some other ancient Father's. But he saith, that many things are cited out of it as out of Augustine in Decret. (pars. ii.) 16. q. 1. And to clear the matter farther, I find that some parts hereof are alleged under the name of Augustine, in Concil. Triburiens. (which was in the year of our Lord 895.) cap. 13. And twenty years before that also, in Concil. Moguntin. i. cap. 8. So that antiquity itself, and divers Councils, accept it for Augustine's.

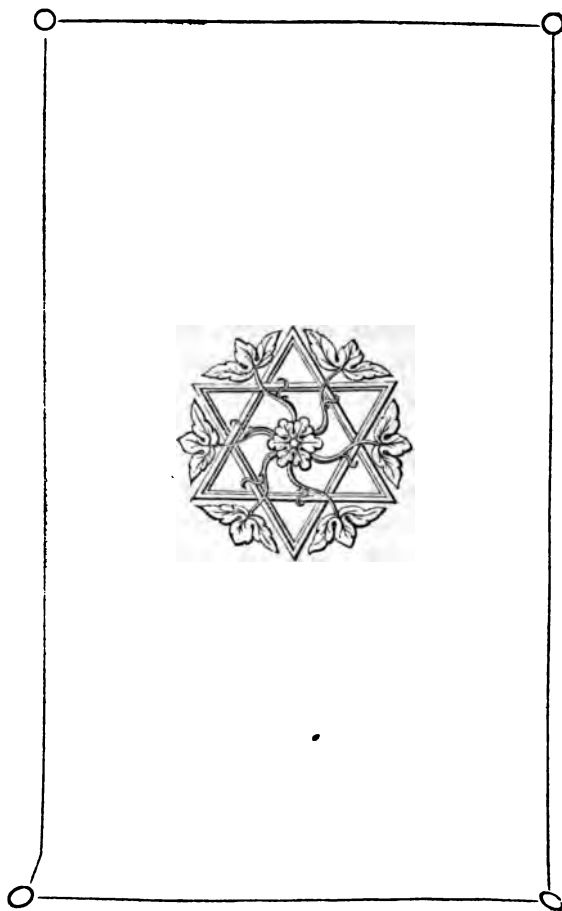
I will not recite a great discourse to the effects of this Sermon amongst the works of Augustine in the Treatise, De Rectitudine Christianæ Religionis; because Erasmus judgeth that Treatise not to be Augustine's; yet seemeth it likewise to be some excellent

^p Forte non est Augustini iste sermo, tamen insignis est sine dubio, et antiqui alicujus patris, nam inde tanquam ex Augustino multa sunt adscripta in decreto 16. q. 1. Bellarm. de Clericis. lib. 1. cap. 25. (de decimis).

man's, and of great antiquity. But if thou wouldest hear more what Augustine saith unto thee of this matter, take this for a farewell; *Majores nostri ideo copiis omnibus abundabant, quia Deo decimas dabant et Cæsari census reddebant: modo autem quia discessit devotio Dei, accessit INDICTIO FISCO. Nolumus partiri cum Deo decimas, modo autem totum tollitur. Hoc tollit FISCUS, quod non accipit Christus*^q.

^q Hom. 48. ex. lib. 50. [Vid. Bellarmin. loc. citat.]







AN

APPENDIX BY THE AUTHOR.

I have been often solicited within these two years, both to reimprint this little Treatise, and also to publish a greater work much of the same argument. Some especial reasons have made me unwilling to do either. Not that I do *aut clypeum abjicere, aut causam deserere*; but I find my arm too feeble for so great an attempt: and in matters of such weight and consequence, a better opportunity is to be expected, than is yet afforded. I desire therefore not to be hastened herein, though he that published my book in Scotland (out of his zeal to the cause) taketh that for one of his motives^r. When I first did let it

^r In his Epistle Dedicatory.

go forth, I did it only in covert manner, not thinking it worthy of the broad eye of the world, nor holding it fit to have that which was done in a corner, "preached upon the house top," or that which passed privately between me and my friend, to fly (in this sort, at once) to both the poles of the Monarchy. Hereupon I hitherto by entreaty withheld it from a re-impression. But I being in the country, and it being now to me as *filius emancipatus*, and out of my power, the printer hath taken advantage of his liberty, and in my absence printed it again with the former infirmities.

I wish, since it must needs be thus, that I had overrun it with a new hand, as well to explain it in some things, as to help and fortify it in other. For the argument hath many adversaries, not of the laity only, but amongst the Churchmen themselves. All are not pleased with this form of maintenance*, others are not satisfied how it is due. Some also conceive Scriptures in this manner, some in that: and where one is best pleased, there

* Tithes.

another findeth most exception. Thus he that cometh upon the stage, is the object and subject of every man's opinion. Yet must I herein confess myself beholding unto many: for I understand that this small essay hath given them good liking.

To satisfy all I labour not; but to the worthier sort I would perform what I could. Being therefore informed (about a year almost since) that some particular Divines of learning and judgment, (conceiving well of my book) supposed that I had departed from the ancient and modern interpreters, in applying the twelfth verse of the eighty-third Psalm only to the sanctified things of the Jews, which (they said) was spoken of all their houses and cities in general; I did then unto them (as I thought it fit) *reddere rationem et fidei et facti*. And in like manner (because the book goeth forth again upon a new adventure, and may encounter with the like objections,) I held it now as necessary to add something unto it in that point being so material. Yet must I signify unto you, that they which took that

exception accounted both my argument and whole discourse the stronger (notwithstanding) *ex consequente* : as namely, that if it were so heinous a sin to invade the temporal things of the Jews, much more must it needs be to invade the spiritual. So that no man is either freed or eased by this suggestion, but rather the more ensnared and overwhelmed. Nevertheless (I understand) that which followeth hath cleared this point unto them : and I hope so shall it also do unto others (which separate not themselves from our Churches) if cause require.

I am not ignorant that many modern and some ancient interpreters, understand the body of the eighty-third Psalm of the taking of the houses and cities of the Jews in general, not only of the Temple and Synagogues, nor only of the cities of the Levites ; for the very historical texture of the Psalm discovers as much : but that branch of it, whereon I fastened my anchor, and where I chiefly insisted, namely the twelfth verse, touching the "taking of the houses of God in possession," (*which indeed is the centre of the Psalm, what*

interpretation soever it receiveth) most of them interpret it primarily and positively for the Temple and holy things, then *per translationem* for Jerusalem, and by consequence, for all Judea, (and the people of God) in respect that they were there planted.

For though we, following Genebrard, Calvin, and Arias Montanus, translate it literally, "Take the houses of God in possession;" yet the Septuagint and Greeks interpret it τὸ ἁγιαστήριον τοῦ Θεοῦ. And Hierom in the vulgar Latin accordingly *Sanctuarium Dei*: in his other translation called *Hebraica veritas*, (which also agreeth with that elder, cited by Lucius in the primer ages of the Church) *Pulchritudinem Dei*, Pellican, *electissima*, all of them by such denominations, as are most proper to the Temple and holy things. And therefore the Church in all former ages, and for the most part yet also beyond the seas, even in the reformed parts of Germany, retaineth that interpretation of *Sanctuarium Dei*, as best agreeing with the intent of the Hebrew, which Hierom in the Preface to his Translation pro-

feseth confidently (by many witnesses) that he hath changed in nothing.

I allege all this but to shew, that by what variety of words soever the Translators express the original Hebrew, yet they all concur with this as the fountain and standard; that *primâ intentione*, it aimeth at holy things, though in *secundâ* it be carried unto temporal.

Ourselves also in our own English Translation, understand the houses of God, for places dedicated to the service of God. And therefore in the eighth verse of the seventy-fourth Psalm, where our Church Psalter saith, "burnt up all the houses of God in the land:" the Geneva and the King's Edition report it, "burnt up all the Synagogues of God in the land." So likewise in the first verse of the eighty-fourth Psalm. The dwellings of God are expressly spoken of His Tabernacles, and holy Habitations, not of His temporal.

Yet do I not deny, but (as I say) *secundâ intentione*, the words *Sanctuarium*, or houses of God, in the eighty-third Psalm, are truly carried to all Judea, and the people of God,

howbeit Hierom noteth expressly no such matter upon it; neither could Augustine find it in the literal or historical sense of the text, and therefore he deduceth it to the people of God by way of tropology, using the metaphor of St. Paul^t. *Sanctuarium*, (saith he,) *Templum Dei sanctum est, quod estis vos*. And Lyra accordingly, *Sanctuarium, id est*, (saith he,) *Jerusalem, in qua erat Templum Dei, et per consequens, terram Judææ, cujus metropolis erat Jerusalem*.

Arnobius likewise of the ancients taketh it first for the Temple and the holy vessels, then extensively for the people and land of Israel. As for Cyprian, Origen, Tertullian, Ambrose, Chrysostom, Gregory, they meddle not with it, that I can find, not Hierom otherwise than I have mentioned.

But admit that at this day most do expound it for the temporalities of the Jews, as well as for their Levitical and sanctified things; what doth this contradict my application of this Psalm against spoilers of Churches? or wherein

^t 1 Cor. iii.

is my error? I affirm the *genus* of one of the *membra dividenda*, and they upon both. I upon one not exclusive, and they upon both copulative. Do not they then themselves affirm my assertion? Let schoolmen be judges. Yea, do they not justify and enforce it? "for if God loveth the gates of Sion, more than all the dwellings of Jacob;" that is, the outward and petty things of His Church, more than all the stately temporalities of His lay-people, yea, if He loveth Jacob but for Sion, that is, the people but for the Church, then *ex necessario consequente*, when the Prophet denounceth such heavy things against them, that menaced God's lay-people, and their possessions, how much the rather doth he it against such, as with great fury and impiety afflict His more peculiar and chosen servants, His Temple, His Oracle, His holy mysteries, that is, things belonging to His honour and divine service; things, and means, ordained to the propagation of His blessed word? for this is the consequence of destroying our Churches, this killeth the bird

* Psalm lxxxvii. 2.

in the shell ; and to a person offending in this nature, wrote I my book.

By like reason it may also be said, that this Psalm was framed against heathens and infidels, (which in open hostility assailed the Church and people of God with fire and sword) not against such as be our own brethren, and of the family of the Church, though (in some sort) they do injury unto it. I answer, that the Ammonites, and Moabites were also of the kindred of Israel : yea, the Edomites and Ismaelites, of the lineage of Abraham, as well as the Israelites themselves : yet when they joined with them that sought the destruction of the Church, the curses of the prophet went as freely and as fiercely against them, as the rest. So if our Church be spoiled by her brethren, her children, or kindred, the sentence is all one against them as against heathens and infidels, yea, and that also more justly and deservedly by the judgment of the prophet, who accounteth the treachery of a familiar friend much more intolerable than the violence of an open enemy^x.

^x Psalm lv. 12.

But say I have erred, (which indeed is too common with me, though it be *humanum*,) and doth the more easily befall me, having saluted the school of Divinity only *à longè*, and *à limine*: I am therefore ready with Augustine to put it amongst my retractations, if there be cause why: yet as he said of Romulus,

Sed tamen errorem quo tueatur habet.

For I am not the author of this Exposition, neither is it my own weapon, but borrowed, and put into my hand by others of elder time. I confess that as they which go to battle, whet their swords and bend their bows, so I sharpened both the edge and the point of it to my purpose. For all spirits are not cast out by ordinary power, nor all humours persuaded by ordinary reason. Knowing therefore what was necessary in particular for the party to whom I wrote, I applied myself, and my pen, to that particular necessity: yet, not with Zedekiah, to seduce him by untruths, but as a faithful Michaiah²,

¹ Ovid, Fasti 1.

² 1 Kings xxii. 24. &c.

to leave nothing untold, that belonged to his danger.

See then what I have to defend myself withal, both of ancient and later Fathers and Doctors of the Church. The first application (as I take it) that ever was made of this Psalm, was (only to the purpose I allege it) by Lucius a devout Bishop of Rome, in the bloody age of the Primitive Church, about 225 years after Christ; of whom (to let pass Cyprian) Bale, a man of our own, giveth this testimony, "That he was a faithful servant in the Lord's House—and enriched his Church with healthful doctrine, and afterwards being purified in the Lamb's Blood, he pierced the Heavenly Paradise, being put to death at Valentinian's commandment, anno 255^a." This Lucius (as I noted in the margin of my book, § 9.) in an epistle of his to the Bishops of Gallia and Spain^b, having determined many things touching the Church, and somewhat also against spoilers and defrauders thereof, (concluding them by the example of

^a Epist. l. 3. Epist. 1.

^b See Her. p. 50.

Judas to be thieves and sacrilegious persons,) he proceedeth with them in this manner: *De talibus, id est, (saith he,) qui facultates Ecclesiæ rapiunt, fraudant, et auferunt; Dominus comminans omnibus per prophetam loquitur, dicens, Deus ne taceas tibi, ne sileas, &c.* reciting the whole eighty-third Psalm every word, as you may see tom. i. Concil. of Binius' edition^c.

I took this reverend Father and great Doctor of the Church, living in the purity of religion, in the times of persecution, and so near the ages of the Apostles, to be a faithful direction to my pen. Yet, lest he should seem like a "sparrow alone on the house-top," I will shew you the opinion of others in the after ages.

Petrus Damianus a Cardinal, whilst that title was rather a name of ministry than of dignity, and long before it became mounted and purpurate, a star of his time, now almost 600 years old, understandeth this Psalm also of Church possessions, and dignities, and out

of it doth vehemently confute the Chaplains of Duke Gothifred, which held it no simony to buy Bishoprics, and Priests' places, so they paid nothing for the imposition of hands, (an opinion too common at this day,) and he applieth against them the interpretation of the names of the heathen princes there mentioned, and concludeth them there to be *hæreditario quodam jure Sanctuarii possessores*, as you may see in his *Speculo Mor.* l. 5. Ep. 13. ad Capellan. Gothif.

Rupertus, who flourished about 500 years since, expoundeth it *contra omnes Ecclesiæ hostes, falsos Christianos, hæreticos, &c.*

Great Hugo Cardinalis, the first Postillator of the Bible, (who flourished anno 1240, a little also before that Order was distinguished with the Horse and Red Hat, and a man to whom all the preachers of Christendom are more beholden, than many of them are aware, for much of that good juice, that sweeteneth the expositions they read, dropped from his pen, though now like rivers falling into other channels, it hath lost his name,) in his worthy

Comment upon the Psalter, applieth the words *hæreditate possideamus sanctuarium Dei*, against those that ambitiously seek Church Livings and Dignities, despising the curses of this Psalm, as well among the great men of the Clergy, as them of the Laity, which by threatening or favour obtain Ecclesiastical promotions: and particularly against such men of the Church, as confer Prebends and Dignities upon their nephews and kindred, "building (as he saith) Sion in [their] blood, and Jerusalem in iniquity." Neither spareth he the Popes themselves, but chargeth them also that they possess God's Sanctuary by way of inheritance, in that they keep the succession of the Papacy among such as be only of the Roman nation. And much more to this purpose, which were too long to recite: but (concluding that the Prophet hath levelled at them all in this Psalm) he saith, *De omnibus istis sequitur, Deus meus pone eos ut rotam, &c.*

Joannes Vitalis, (who lived above 300 years since, and for his fame and learning was also called to be a Cardinal, ere that this dignity

was at the highest pitch) vehemently enforceth this Psalm against the great men that prey upon the Church, applying the interpretation of the names therein mentioned very bitterly unto them. And said farther, that they possess the Sanctuary of God by inheritance, which enter into it unworthily, or in succession to their uncles, nephews, and parents, and they also which give Benefices in that manner, wasting thereby, as it were, Christ's hereditary patrimony: with much more to this effect^d.

Nicolaus de Lyra, who flourished about the same time, our own countryman, (though of Jewish parents) a star also in that age of the first magnitude, for his learning; and exquisite above all in the Hebrew, (it being his mother tongue, and elaborate by him) whose judgment I the rather esteem, for that Luther loved him, and preferred him above all interpreters, as Luther himself testifieth in the second and ninth chapter of Genesis. He (I say as before I have noted) expoundeth it, first, and properly for the Temple, (under which I

^d Speculo moral. tit. principes sæculares. fol. 223. a.

understand all things dedicated unto God,) then for Jerusalem, because (saith he) "the Temple was there:" and lastly by consequence (for that is his own word) "for the land of Judæa whose chief city Jerusalem was." So that he maketh the Temple, and things belonging to God, to be the main part whereat the prophet aimeth, and the city and country to follow but by inference and implication.

Come to the later writers. Genebrard noteth upon *Sanctuarium Dei*, that the Hebrew word is, *Habitacula*, and for the *postil* saith, *Generaliter de divinis omnibus templis, urbibus, locis et oppidis populi Dei*. So that if he had been questioned farther, how he understood *Habitacula*, *specialiter*, it is then like he would have answered, *de divinis omnibus templis tantum*, that is, only of Churches. But be it as it is, he setteth them in the first place, as the proper signification, and the rest in consequence, as analogical, according to Augustine, and our countryman Lyranus.

As for Luther, he expoundeth not this Psalm

himself, that I can find ; but you see what he attributeth to Lyra's judgment.

Pellican, a great Hebritian, translateth it *possideamus nobis electissima Dei*, and expoundeth it in like manner as before, *Templum, civitatem, vasa, populum Dei*.

Pomeranus interpreteth it of them that did seek to make themselves lords and heirs of the Temple.

To conclude, because the newest things are most acceptable with many. The last man that hath written upon the Psalter, Lorinus a Jesuit, (and therefore I will not press his authority) yet to do him right, very well esteemed among great clerks of our own Church for much good learning, (though in matters of controversy, full enough of Romish leaven,) reciteth somewhat more briefly the former interpretations of Petrus Damianus, Hugo Cardinalis, and John Vitalis, and approving those their applications, and putteth them still on into the world, as truly consonant to the tenor of the Psalm, which notwithstanding I doubt not hath also many other

expositions, as herbs have usually divers virtues and operations. But thus the eldest and newest expositors are wholly for me, many also (and the best of them) of the middle ages, none that I know against me. For although Musculus, Bucer, Calvin, Marlorat, Mollerus, expound this Psalm historically of the country and nation of the Jews, yet when they apply it to the Church of Christ, (as otherwise there were no use of it) they make that application by way of figure and analogy; and then is there no cause to raise an antithesis, or contrariety between them and me. For to reconcile the matter, St. Jerome in his entrance into the exposition of this Psalm, telleth us, that we may expound it figuratively of the Church, (which I understand in matters of action, government, doctrine,) or historically of the people of the Jews, and nations about them. And though Calvin himself pursueth for the most part the historical interpretation, yet when he cometh to the twelfth verse, he saith, *Iterum accusat profanos homines sacrilegii, quod prædicatoriâ licentiâ involant in ipsam Dei hæreditatem.*

Thus much, and too much touching this point. As it is said in the end of the Macca-bees: "If I have done well, and as the story required, it is the thing that I desired: but if I have spoken slenderly and barely, it is that I could." Let no man therefore rely upon me, but learn of them that are bound to teach, for "the Priest's lips should preserve knowledge, and they should seek the Law at his mouth, for he is the messenger of the Lord of Hosts*."

Other things there be, wherein I would willingly have enlarged myself a little: But as Popilius in Livy, describing a circle about Antiochus, enforced him to answer before he stept out of it; so the printer (having printed all to the last sheet, before I knew it) restrained me, *ad articulum temporis*, within which accordingly I must needs end.

* Mal. ii. 7.





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